

A HISTORY OF
THE
COUNCIL
OF
TRENT

JEDIN

Volume
Two

NELSON

A
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OF
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OF
TRENT

Volume Two

HUBERT JEDIN

Translated by
DOM ERNEST GRAF O.S.B.

This second volume of the translation of the *Geschichte des Konzils von Trient* begins with the first sessions of the Council at Trent and ends with the translation of the Council to Bologna in 1547. Chief among the discussions during this period were the debates on dogma—on Scripture and Tradition, Original Sin, Justification and Grace—and on reform—the clergy's duty of residence in diocese and parish.

As in the first volume Professor Jedin's aim has been to describe the events in Trent as they actually occurred and to delineate the kind of picture of the past which took shape in his mind as a result of the study of the sources. His account is based on the principal sources brought together in the *Concilium Tridentinum* of the Görres-Gesellschaft, supplemented and completed by information obtained through personal research in various archives.

Dom Ernest Graf has translated this volume into most readable English and has maintained the clarity with which Professor Jedin sets out the Catholic and Protestant positions.

The eight half-tone illustrations include Durer's sketch of Trent and the Council in Session attributed to Titian.

A History of the Council of Trent

Volume II

HUBERT JEDIN



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Translated from the German

by

DOM ERNEST GRAF O.S.B.



VOLUME II

The First Sessions at Trent

1545-47

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Translator's Note

It may be useful to explain briefly some of the technical terms which occur again and again in these pages. The term "congregation" designates a gathering, or a sitting, of the whole, or of a section of the Council. A "general congregation" is a gathering of all the members of the assembly, including those not entitled to a vote. A "particular congregation" consisted of a group chosen from among the members. It was in these congregations that the problems, for the solution of which the Council had been convened, were thrashed out. A *Sessio*, or Session, on the other hand, was a solemn liturgical function, with a High Mass and a sermon by one of the more distinguished members of the assembly, not necessarily a bishop. It was at this solemn gathering that the decrees elaborated in the congregations, were read out and voted upon. This was done not by the dropping of a white or black ball into a box, but by the word *placet* or *non placet* being written on a ballot paper—*scheda*. At times permission was given to add some remarks to the signature, but they had to be in the handwriting of the voter. The *schedae* were then collected and counted by the *collectores*.

The term *votum*, or vote, has yet another meaning, one that might be rendered by our "counsel's opinion". A vote, in this sense, could be a lengthy document. Thus when we are told that Seripando, for instance, read his "vote", or that the text of the "vote" of this or that bishop has been preserved, there is question of a paper, or an essay, on the subject under discussion and read in a congregation, whether general or particular. No vote, in this sense, was read at the Session. That solemn gathering was exclusively for the purpose of promulgating the conclusions arrived at in the congregations by means of the "votes" (*vota*) of its members.

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Author's Preface

THE publication of the second volume of the History of the Council of Trent has been delayed much longer than I had foreseen. My appointment to the Chair of Medieval and Modern Church History at the University of Bonn in 1949, a variety of academic tasks, the direction of the society responsible for the publication of *Corpus Catholicorum*, and finally, indifferent health, have all contributed to the slowing down of my work. Above all I felt that for a task for which a thorough mastery of the subject-matter and attention to a number of correlated events were an essential prerequisite, uninterrupted time was an indispensable condition. Such leisure could only be secured on rare occasions and with great difficulty during the academic terms. It was, therefore, a great advantage for the progress of the work when the "Kultusminister" of Nordrhein-Westfalen released me from my professorial duties during the summer term of 1955 ; in fact this occurrence was of decisive importance, for it enabled me to work without interruption on chapters IV-VIII, from March to September of that year. To the minister, and to the Rector of the Redemptorists' seminary at Geistingen an der Sieg, the Rev. Fr Albert Fries, whose hospitality I enjoyed during those months, my sincere thanks are due.

In the impatient enquiry : "When will the second volume appear?", which I had to listen to a hundred times, I could at times detect a slight doubt whether, besides external difficulties, there were not also intrinsic ones, viz. difficulties inherent in the subject itself, which were the cause of the delay, if not even of the actual abandonment of the entire undertaking. These doubts did not appear altogether groundless. The Weimar edition of Luther's works—now completed—and the publication of Bucer's works which has begun, as well as the small edition of the works of Melancthon which is making good progress, together with the excellent jubilee edition of the Confessions of the Lutheran Churches, give to the Catholic theologian of today a far deeper insight into the religious and theological mentality of the reformers than was possible for the theologians and the Fathers of the Council of Trent.

More than one problem has undergone a profound change, or is at least seen in a different light from that in which the sixteenth-century

AUTHOR'S PREFACE

theologians viewed it. The notion of Tradition, the meaning of "solâ" in the formulas *solâ fide* and *solâ gratiâ*, Luther's conception of the sacraments, of the Church, and his attitude to Canon Law, as well as the conception of the Church in the last period of the Middle Ages—all these theological problems, which were at the very heart of the religious cleavage, have been the subject in recent years of numerous and, at times, searching investigations. The Luther "Renaissance" initiated by Holl, has been followed by a Zwingli "Renaissance" and the rise of "reformed" theology. Hence more than at any previous time, the writing of the history of the Tridentine dogmatic definitions is a bold undertaking.

However, I have never shrunk from the task I had set myself. This task was to describe, as well as I was able, and to the extent that I could grasp them, the events of Trent as they actually occurred. My account is based on the principal sources brought together in *C.T. (Concilium Tridentinum)* of the Görres-Gesellschaft, supplemented and completed by such information as I was able to obtain through personal research in various archives. Problems as they appear today may indeed open one's eyes in the interpretation of the sources, but must not be allowed to tempt one to propose solutions based on a different system and so to intervene in controversies still pending. This self-imposed restraint, which I observed in the first volume, though found fault with by a highly esteemed critic (*Theol. Revue*, XLVII (1951), pp. 159-70), I have also adopted in the present volume, because it conforms to my conception of the duty of a historian of the Church (*Trierer theol. Zeitschrift*, LXI (1952), pp. 65-78). And so this volume also is written for no specific purpose, whether of a general character or such as belongs to the sphere of controversial theology, beyond that of delineating or fixing the kind of picture of the past which has taken shape in my mind as a result of a study of the sources. Whether this time also I have "confined myself to the role of an advocate", and "my judgments are those of an uninhibited papalist", as the only critic who declined my general interpretation of events in VOL. I would have it (*Hist. Zeitschrift*, CLXXIV (1952), pp. 589-97), unprejudiced readers must decide for themselves. Of the practicability of the historical-sociological method, which he recommended me to use, I am willing to be persuaded as soon as it has been tried out on some important point of Church history.

According to the original plan of the entire work, VOL. II should have gone as far as the year 1552. However, the publication of VOL. VII of *C.T.*, which contains the conciliar acts of the years 1551-2, has been

AUTHOR'S PREFACE

delayed by the illness and the death of its editor, my friend Joachim Birkner (d. 30 January 1956). These acts are indispensable for an account of the second period of the Council. This circumstance led me, with the approval of the firm of Herder, to publish separately the story of the first period, up to the translation to Bologna, since by reason of its content that story constitutes a distinct and clearly rounded-off unit. Its description as VOL. II, instead of Part I of VOL. II, is solely due to bibliographical considerations. The general plan of the work is in no way affected by this designation and no widening of the compass originally agreed upon is contemplated. The footnotes are more compressed than in VOL. I, but I have endeavoured to facilitate the control of all statements made by me by indicating sources (in the case of *C.T.* I give, as a rule, the volume, the page and the line). In revising the work I have had the assistance of Fr Joseph Barbel, C.S.S.R. of Geistingen, and that of my pupil, Magnus Ditsche. The former, as well as Dr Oscar Köhler of Freiburg, I have to thank for several valuable suggestions. The index of names was compiled by Hans Hauptst. To the admirable care and vigilance of the publishers the volume owes its preservation from many an inaccuracy. Other mistakes, perhaps considerable ones, may have escaped me. As for these I say to the reader: *veniam concede placatus*.

Bonn
8 May 1957

HUBERT JEDIN

Book Three

The First Decisions :
From the Opening to the
Translation to Bologna

Sarpi's Three Questions

ON the first page of his *Istoria del Concilio Tridentino*, Paolo Sarpi, the first historian of the Council of Trent, sets down three questions: "How did it come about", he asks, "that the Council which men had longed for and promoted as a means for restoring the crumbling unity of the Church, actually consolidated the cleavage and so embittered the parties as to render a reconciliation impossible? How was it possible that the princes' plan to reform the clergy by its instrumentality, was frustrated, and that the bishops' attempt to recover their authority, which had largely devolved on the Pope, not only ended in the complete forfeiture of that authority, but that they themselves contributed to their enslavement? Lastly, what is the explanation of the fact that the Council, dreaded and shunned by the Roman Curia, which saw in it the most effective means by which its supremacy could be curtailed, so consolidated and secured that supremacy—at least in that part of the Church which had remained faithful—as to enable it to strike even deeper roots than ever before?"

With these questions Sarpi forestalls the answers which his *Istoria* was supposed to supply. He was convinced that at the time of the assembly of the Council the schism was still in the opening stages. In his opinion it was not the reformers' teaching, long ago condemned by the Popes, nor their confessions and their organised ecclesiastical communities, but the dogmatic definitions of the Council of Trent that slammed the door which might have led to reunion. In his view, there was no schism previous to the Council of Trent.

While in his first statement Sarpi makes the Protestants' judgment his own, his second statement ultimately derives from his notion of the Church: the much vaunted Tridentine reform never took place at all! What goes by that name was the opposite of a reform, it was a deformation, the worst since the beginning of the Church. How was so crushing a judgment arrived at? The answer is that it rests on two prejudices. The secular arm, in whose service the Venetian State-divine had wielded his sharp pen during the great conflict with Paul V, and which had protected him after its settlement, had not succeeded in using the Council for the purpose of effecting the kind of reform of the clergy

which, in Sarpi's opinion, would alone have guaranteed a lasting improvement, namely a reform on State-Church lines. The secular arm failed to secure the rights of supervision and correction claimed by Gallicanism and which the French State arrogated to itself. These rights Sarpi had endeavoured to secure for Venice. But the second prejudice weighed even more heavily in Sarpi's estimation. Episcopatism, from which he hoped for a genuine reform of the Church, just as the conciliarists of the fifteenth century had expected it from the execution of the decrees of Constance, had not prevailed at Trent; on the contrary, the Council had left the Pope's supremacy intact and left its own guidance and the execution of its decrees in his hands. The Tridentine decrees about Church reform and their subsequent execution—the work of St Charles Borromeo, of Popes Pius, Gregory and Sixtus—he made nothing of because not only had Erastianism and episcopatism not triumphed at Trent, but the Papacy had made of the Tridentine decrees the palladium of the Catholic reform as well as of the counter-reformation. By this means it had won for itself fresh influence and renewed prestige. But even so the strange fact remained, and Sarpi could not contest it, that the alleged failure of the reform had not impeded the rise of the sorely pressed Papacy, so that by the turn of the year 1600 it was held in higher esteem by the various nations, and was more respected by the States, than a century earlier, in an as yet undivided Church.

For all that Sarpi's three questions are genuine questions for the historian of the Council of Trent and we are bound to consider them. It is for this reason that we were compelled to follow up the struggle for the Council from 1520 to 1545 at every turn of its tortuous course, so as to show that the course of the schism was no longer in an early stage, as Sarpi thought, but that it had already made considerable progress. The issue of the Ratisbon negotiations for reunion had brought that fact to light. On the other hand the process was not yet terminated. Why did the Emperor Charles V refuse to reconcile himself to the schism as an accomplished fact? Surely for the sole reason that he attached greater importance to its political aspects than we are on the whole inclined to do. It is easy to say that he overestimated them. It was this view of the situation that inspired the great plan first to break the political and military power of the League of Schmalkalden by force of arms and after that to get the German Protestants to attend the Council. If the plan succeeded there was a possibility that the schism, even if it could not be completely healed, might at least be confined within narrower

boundaries, provided, of course, that Pope and Emperor continued to act in full agreement. Paul III would not have allied himself with the Emperor if, from the first, he had judged the plan to be quite impossible of execution. But certain influential circles in Rome were firmly convinced that Germany could not be saved for the Roman Church, so that it was more important to concentrate all available forces on the preservation of those peoples and territories that had retained the Catholic faith. These the Council must provide with an unequivocal rule of faith and an effective Church reform—consideration of Germany was only of secondary importance. This stand-point was probably most clearly and most decisively advocated by Cardinal Cervini, but it was not and could not be the only one as long as there remained the least glimmer of a hope of reunion. But this hope too was tinged with fear. What direction would the Council take should the Protestants put in an appearance at Trent and thus add strength to the opposition that was to be expected from the nations beyond the Alps? Opinions fluctuated between fear and hope, but the main problem, namely what would be the issue of a discussion with the Protestants at Trent, was perforce an open question for the man who had to assume responsibility for his actions before History. The question was not only whether there would be such a discussion, but the manner in which it would be conducted constituted an even greater problem. To begin with the widely-held opinion that the “modern” errors were all of them ancient ones, long ago refuted by the Church’s teaching and the earlier Councils, would prevail. In that case all that needed doing was to reaffirm and renew previous conciliar decisions without engaging in detailed discussions. In any case a detailed catalogue of these errors must be drawn up. Such catalogues had actually been compiled some years before by the universities of Paris and Louvain (VOL. I, p. 406). Should the Council make them the basis of its programme? But if it should appear later on that the previous decisions of the teaching Authority were not adequate and failed to touch the substance of the new errors, by what means was the Protestant teaching to be accurately stated? Could it be done by means of extracts from their confessions, or from the writings of the reformers, as was done at Constance against Wyclif and Hus? Or would it suffice to have the decisive points extracted by theological experts and so pass judgment? Who would be capable of drawing up summaries of this kind? Then there remained the big question whether only the teaching of the reformers should be condemned, or their persons as well.

The Bull of Convocation *Laetare Jerusalem* had described the decision of the religious controversies and the reform of the Church as the two main tasks of the Council; but there was no directive about the order in which these two tasks were to be carried out; even the legates were without information, in fact they had no instructions about the shape of the conciliar programme. But what is most amazing is that they had not taken advantage of the lengthy waiting-period before the opening of the Council to draw up at least the general lines of such a programme. So far we have not met with one, and it will be seen that none was in existence.

The blame lay not with the legates alone. They were still in doubt whether the Pope was willing to let the Council deal with the sensitive nerve of Church reform, that is, the reform of the Curia, either wholly or partially, or whether, as Cervini had consistently advocated, he would create a *fait accompli* by proceeding, at the last moment, with the reforms initiated in the year 1537. If he failed to undertake this preventive reform, there was no doubt that the bishops, particularly those of the nations beyond the Alps, would demand the inclusion of the reform of the Curia in the conciliar programme. Moreover, it was beyond question that an overwhelming majority of the bishops present, the Italians included, would insist on a strengthening of their ordinary authority in their dioceses. The proceedings at the fifth Lateran Council and the negotiations with the bishops resident at the Curia, in the years 1540-1, had shown which way the wind was blowing. On that occasion they had gained very little, but now their chances were greatly improved. No one could tell with any certainty whether their demands would not lead them into the tracks of episcopatism, or even those of conciliar theory.

The story of the antecedents of the convocation has shown that misgivings of this kind had had a retarding effect. Was there a foundation for them? Did the episcopal tendencies that had appeared in the fifteenth century, or the conciliarism of the last period of the great schism and that of the Council of Basle, still possess any vital energy? The answer to this question depended on the strength of German and Spanish representation at the Council and whether the universities still actuated by conciliar theory—above all the Sorbonne—succeeded in gaining influence over the Council to which, in fact, they had not been invited in their corporate capacity. Above all no one knew as yet whether the French Crown would carry out its covenanted promise to participate in the Council, not merely in a formal fashion,

by the despatch of envoys, but, as was right and proper, by sending a number of bishops. Only two French bishops had been present at the opening Session and no envoy of the King.

Fears of this kind compelled the Pope and his legates at Trent to regard as the supreme maxim of their tactics in the negotiations the necessity to keep clear, under all circumstances, of the controversy about the question of authority as between Pope and Council. However, granted the possibility of avoiding a theoretical dispute of this kind, were not the practical problems of a reform bound to lead to a discussion of the division of powers between Pope and Council? As a matter of fact what was the extent of the legates' power to direct the Council? Did it include authority to set up the conciliar programme on their own authority as well as the exclusive right to draw up an agenda? If it was to function, the Council must have a body of officials. Should these be elected by the Council, or should they be named by the legates? On this point the fifth Lateran Council could not serve as a model, were it only because it was held in Rome and under the personal presidency of the Pope.

This selection of unsolved questions sufficiently shows the historic possibilities that existed at the beginning of the Council; yet we have not as yet mentioned the fact that it was likewise a nerve centre of high politics. A political event, the Peace of Crépy, had brought about its convocation while the alliance between Pope and Emperor had divided the roles. The Council was not solely an autonomous ecclesiastical act, it was also an element, in fact an essential element, of a comprehensive political plan for the purpose of restoring to the Church her unity and to the Empire its statehood. Was it not to be expected that the Emperor would do his utmost, was indeed bound to do his utmost, to direct the assembly along the lines of his own wishes so as to make sure that it would not create any *faits accomplis* in the sphere of dogma before the conclusion of the war, which would enable German bishops to attend the Council. Means to influence the assembly he possessed in plenty. There was his ambassador, Diego de Mendoza; there were the bishops of his hereditary States—Spain, Naples, the Low Countries. Moreover, the Council was being held in the territory of a prince of the Empire who had taken over the external protection of the assembly, whose freedom of action could be considerably hemmed in from this quarter. Trent as the meeting-place of the Council had been a grudging concession to the Emperor on the part of Paul III. The desire to translate the Council into Italy had not been given up—it was merely put off. In virtue of

his presidency of the assembly, which he exercised through his legates, the Pope could translate the Council or suspend it. Behind the political activities of the Emperor, and those of his diplomatic representatives and partisans at Trent, there was always a secret fear of precisely such a change in the status of the Council.

As yet even the oecumenical aspect of the Council was not assured in every respect. The number of bishops present at the opening was exceedingly modest: they were less than thirty. Would it be possible to raise it, and above all to induce bishops of foreign nations to repair to Trent in sufficient numbers so as to insure a truly oecumenical participation? The conciliar attempt of Vicenza and the first convocation to Trent had ended in failure owing to an inadequate attendance of prelates. Recognition of the last Lateran Council met with hesitations because the nations beyond the Alps had played an exceedingly small part in it.

It was not without reason that the Popes had long hesitated to convoke the Council. Even now that it had been opened its future course was not only wrapped in the mists of the future; the issue of "the Iliad of our time", in Sarpi's significant phrase, was as yet uncertain.

A Difficult Beginning

IN spite of the prolonged waiting-period, the opening of the Council on 13 December 1545 came as a surprise both for its members and for the exponents of high politics. As late as mid-December no credence was given to the rumour at the imperial court, and when news of the opening did come, it was received with some annoyance because the Curia had failed to give official notice of the order for its inauguration. The imperial agent Marquina who had passed through Trent on 17 December was the bearer of a communication for Verallo and Dandino, the nuncios accredited to Charles V, ordering them to give the monarch an official account of what had happened.¹ However, the imperial ministers' doubts about the assembly's ability to set to work, or their will to do so, continued as before. In their eyes the opening was no more than a political gesture for the purpose of justifying the Pope before God and the world.

At the French court this scepticism was matched by an ill-disguised unwillingness to make a positive contribution, by the despatch of French bishops, to the success of the great imperial and papal enterprise against the German Protestants. When the Emperor complained of the recall of the handful of French prelates who had arrived at Trent and of the non-arrival of the rest, he was given an ambiguous answer which, practically, meant nothing at all. In point of fact the Peace of Crépy and the understanding on the Council which it had initiated, were put in jeopardy by the death of the Dauphin. There was haggling over the return of Savoy and fresh, though probably not seriously-meant matrimonial projects, were likewise mooted. England continued at war with France. No longer was she in the position of the forsaken confederate of yesterday; on the contrary, she now found herself in that of a courted third party between the two opponents of the morrow.

¹ Dandino's report of 18 December 1545, *N.B.* I, VOL. VIII, pp. 501, 503; *ibid.*, p. 515, Dandino and Verallo on 7 January 1546; *ibid.*, p. 541, Dandino's observation on the opening of the Council in his report of 20 January, "a iuditio de molti sarà di pocco altro frutto che di havere iustificata Sua Santità appresso Dio et il mondo". On the Emperor's negotiations with France, see Dandino's and Verallo's report of 17 December 1545, *ibid.*, p. 493.

Even the alliance between Pope and Emperor, which in the summer of 1545 was apparently assured, was in reality no nearer a final settlement. Marquina had been kept waiting for an answer for nearly two months in Rome. Only at the beginning of February did the Emperor, who was suffering from an attack of the gout, dismiss Dandino, the nuncio extraordinary who then set out on his return journey by way of France. The Emperor's confessor, Pedro Soto, had assured him in the strictest confidence that Charles's resolve to go to war against the Protestants remained unshaken, but he was also aware that King Ferdinand and the ministers, above all the two Granvellas, as well as Figueroa and Idiáquez were full of misgivings about so risky an undertaking. They accused the Curia, more particularly the cardinal-nephew, Alessandro Farnese, of not having kept the secret of the alliance between Pope and Emperor, with the result that the confederates of Schmalkalden were already making military preparations, and that by this indiscretion the element of surprise, which was so important for success, had been lost. On his part the Pope was annoyed by the Emperor's unwillingness to meet him on questions of ecclesiastical administration, as, for instance, on the levy of a tenth in the Kingdom of Naples. Dandino, who favoured France, did his best to deepen Paul III's growing distrust of the Emperor.¹

Not only the peace between the two paramount Powers which had made possible the convocation of the Council, but the alliance between Pope and Emperor, which constituted a prerequisite for its opening, seemed to be compromised. However, this state of political suspense at the turn of the year was an advantage for the Council: it allowed it, almost without its being influenced by political events or considerations, to take the first, if only preparatory, steps on the long road towards the realisation of its programme. It was a difficult and laborious start. It took a long time to get the technical machinery of the Council functioning, but already decisions fraught with important consequences were being taken. To appraise them we must not shrink from the somewhat wearisome task of following up the slow-dragging process of the negotiations of the first two months.

¹ As late as 5 January Dandino writes, *N.B.* 1, VOL. VIII, p. 521: "Non posso non star grandemente dubioso di quello a che finalmente Sua Maestà si risolverà da dovero." Soto's information, on which Dandino reported on 7 January, *ibid.*, pp. 516 ff., did not completely dispose of this suspicion. The accusation, on the imperial side, that Farnese was to blame for the secret of the great plan having come to the knowledge of the Lutherans, *ibid.*, pp. 513, 558, was described by the latter as "busie expresse", *ibid.*, p. 573.

The general congregation of 18 December, like all those that followed, was held in the hall of the Palazzo Girolodi (Prato, at a later date), hence in the residence of the president. The latter submitted to the Council seventeen points, one part of which concerned the external order, the other the drawing-up of a programme for its labours. One reads these items not without a certain amount of astonishment: they are concerned with seating arrangements and business procedure; the liturgical functions and sermons; the measures to be taken for the security of the assembly; the fixing of the price of commodities; the juridical competence of its members; the appointment of conciliar officials; a conciliar fund for their payment as well as for the support of needy members of the Council. Lastly, and before all else, a programme for the discussions must be drawn up since a new Session was announced for 7 January 1546. One asks oneself instinctively: Had the legates and the members of the Council given no thought to all these things during the nine months they were kept waiting? The fact is neither order of business nor programme for the discussions was available so that the Council itself was obliged to draw them up. This was an advantage for its freedom of movement but a definite disadvantage for its progress, for it soon became apparent how widely opinions diverged on certain points. Two of the bishops, namely the Bishop of Belcastro and Holding, the auxiliary of Mainz, came out with a proposal that the conciliar body should be completed by the addition of learned theologians. Everybody knew that they needed such a collaboration, the only question was whether these men should have a seat and a vote in the Council, as at the Council of Basle. The Bishop of Ivrea moved—and the Council saw the necessity of the step—that the debate should be deferred until the next general congregation.

The assembly, small in number and still struggling for its authority was bound to feel gratified when the Portuguese Dominican Hieronymus ab Oleastro submitted two letters of King John III addressed to the Pope and to the Council, announcing the arrival of several bishops and of an envoy to the Council. However, he was not admitted as an envoy with diplomatic rank since he possessed no letters accrediting him in that capacity. The answer to the royal communication was likewise left to the next general congregation.

This first general congregation¹ was therefore no more than a modest beginning, a cautious approach to the tasks that were to come. But

¹ The proposals for the general congregation of 18 December 1545, which Massarelli subsequently arranged under seventeen headings, *C.T.*, VOL. I, pp. 354 f.; IV, pp. 533 ff.,

even now a difficulty arose. Two French bishops, namely those of Aix and Agde, on the ground of instructions from their sovereign, moved the suspension of all further discussion pending the arrival of bishops and envoys from France, otherwise they would refrain from voting; in other words, they would offer passive resistance. The legates pointed out at once that the present discussions were of a purely preparatory character. However, as the two bishops insisted, it became necessary to defer a decision on this question also to the next meeting.

It was natural to suspect that the proposal—like the Bishop of Clermont's departure before the opening Session—was an obstructive manœuvre instigated by the French government. This suspicion grew when, on the following day, both prelates handed in their proposal in writing. The legates communicated the document to the assembled bishops on 20 December, in the sacristy of the cathedral, after the Sunday liturgical service. As was to be expected, the suggestion was sharply rejected by the imperialists, though the majority declared themselves in favour of the only appropriate action, namely that light on the motives of the proposal should be sought by requesting those who had made it to produce the royal mandate to that effect. They had to admit that they had no such document; the assembly must believe them to be the interpreters of the King's intentions. This information sufficed to defeat so transparent a manœuvre. The Council's answer to the French prelates, in the general congregation of 22 December, was no less elastic and non-committal than the latter's proposal. The Council, it said, would always take note of the wishes of the Most Christian King, in so far as God, reason and honour permitted, but it prayed and exhorted him to send his envoys to Trent as soon as possible, and to urge the bishops of his realm to participate in the Council. The conciliar exhortation, as was to be expected, achieved nothing whatever: the attitude of Francis remained what it had been, non-committal. At the same time as he used his bishops in order to obstruct the progress of

comprised twenty points for Seripando, *C.T.*, VOL. II, p. 410, because the latter reckoned the concluding observations as so many points. For the order of the day of the general congregation the legates' report of 14 December, *C.T.*, VOL. X, pp. 275-8, is more important than that of 19 and 20 December, which only treats of the political question, viz. the French proposals. The actual course of the general congregation is best described by Severoli, *C.T.*, VOL. I, pp. 6-8; proposals of the legates; Del Monte's self-defence; the French proposals; reception of the Portuguese. Although the term *proposuerunt* is used in the acts, *C.T.*, VOL. IV, p. 534, l. 31 (cf. also VOL. I, pp. 430, l. 36; 469, l. 15), the expression does not necessarily imply a formal proposal of the question of "dogma—reform". The best sources—Severoli, the legates' report, Massarelli's *Diarium I*, are silent on the subject. If the question came up at all, it can only have been incidentally, in connection with points 16 and 17.

the discussions at Trent, while he himself kept carefully in the background, he reproached the Council with its inactivity. His boast to Nuncio Alessandro Guidiccioni that he would send no less than twenty-five bishops to the Council was not taken seriously by anyone.¹

The reproach that negotiations at Trent proceeded only slowly, indeed very slowly, was of course not without foundation. Neither the presidents nor the members had any experience in the technique of conciliar debate. The general congregation of 22 December, which was to have settled the order of the Council and drawn up the programme of the discussions, turned out a complete failure. A number of the Fathers had put down their ideas in writing and read their votes to a bored audience, while others spoke without notes, but in so helpless not to say childish a fashion that the general of the Augustinians, Seripando, a man usually extremely reserved in his judgments, betrays a feeling of shame when he uses the terms "irresolution, ignorance, incredible stupidity" in his diary. It was impossible to ascertain the Council's attitude towards the questions that had been broached. Lest they should break up without at least one tangible result the legates finally proposed the formation of a commission, to be renewed monthly, for the purpose of preparing the discussions. They designated four Italians, viz. the Bishops of Ivrea, La Cava, and Feltre, and Pighino, the auditor of the Rota. No protest came from the assembly, but its silence did not mean assent. The four accordingly deemed it prudent to decline, so as not to annoy the Spaniards and the French. This experience taught the legates a lesson. They realised that in future, when there was question of forming committees, they must allow a wider share to the assembly and take their national composition into account.²

It was only after the Christmas holidays, in the general congregation of 29 December, that at least a part of the still unsolved questions about the order of the Council was settled. The external protection and the security of the assembly were entrusted to the Prince-Bishop of Trent.

¹ Extract of Guidiccioni's report of 8 January 1546, *C.T.*, VOL. X, p. 297, *n.* 2. The fullest account of the discussion of the French proposal in the cathedral sacristy, on 20 December, is by Severoli, *C.T.*, VOL. I, p. 8.

² General congregation of 22 December 1545: Severoli, *C.T.*, VOL. I, pp. 8 f.; Massarelli, *Diarium I*, *C.T.*, VOL. I, pp. 358 f. and the acts, *C.T.*, VOL. IV, pp. 537 f.; the legates' report, *C.T.*, VOL. X, pp. 288 f., with Seripando's observations, *C.T.*, VOL. II, pp. 410 f. Tommaso Campeggio whose vote is the only one that has been preserved, *C.T.*, VOL. IV, pp. 538 f., justly observed that the demand that the prelates should produce the royal commission was not prompted by distrust. Even the legates had submitted their credentials to the Council and precedents could be adduced from the practice of the Councils of Constance and Ferrara.

The latter, to make sure that he had at his disposal a body of troops that could be called upon at any time, levied German halberdiers to act as his personal guards, while in the interest of public security the carrying of arms was strictly forbidden to all outsiders. The *custos* of the Council appointed by him appeared only on solemn occasions, hence his duties were mainly honorary ones. In the first Sessions they were carried out by Count Sigismund Arco, while in the fifth Session the Neapolitan Baron Gianbattista Caracciolo is mentioned as his substitute. The real holder of the office was probably even then Madruzzo's brother Niccolò, a colonel in the imperial army. The praetor of Trent was recognised as the competent judicial authority for the persons composing the suites of the members, to whom, in view of the ecclesiastical status of some of the familiars, the auditor of the Rota, Pighino, was adjoined. Everything connected with accommodation and the regulation of prices was the papal conciliar commissary's responsibility. The creation of a conciliar fund did not materialise for a good while. The sum of 2000 scudi which had been handed to the legates in July 1545, to enable them to assist needy bishops and divines and for current expenses, was exhausted and only on 31 January 1546 did the Roman courier bring another 2000 scudi. This sum was to be a reserve fund the administration of which was committed to Cervini's treasurer, Antonio Manelli, who acted as conciliar trustee. In July 1546 there came yet another 1000 scudi, after which the rivulet, thin as it was, dried up completely so that the legates were compelled to raise a loan with the nuncio in Venice. It was only at the beginning of 1547 that Rome decided to feed the reserve fund by regular monthly remittances of 500 scudi to a Venetian bank, so as to prevent, to some extent, the recurrent low ebb of the conciliar finances.¹ The master of ceremonies, Pompeo de' Spiriti, was charged with the regulation of religious functions. In this matter Pompeo conformed to the calendar and the practice of the papal chapel.

The question of the right to vote was less easily settled. Were the generals of the mendicants and the abbots to enjoy the same rights as the

¹ Information on the financial administration of the Council is furnished by the account-book of the depositary, Manelli (G. Calenzio, *Doc. ined.*, Rome, 1874, pp. 1-50), and the legates' correspondence with the Curia and the nuncio in Venice, G. della Casa; cf. H. Jedin, "Die Kosten des Konzils von Trient unter Paul III", *Münchener Theol. Zeitschrift*, IV (1953), pp. 119-32. The extracts from the Vatican account-book published by Ehses (*C.T.*, vol. V, pp. lxvii ff.) which I overlooked, confirm my surmise (p. 131) that the higher officials of the Council—the auditor, the advocates and the promoter—received higher pay than the bishops who were in receipt of assistance, namely 40-60 scudi a month. For further information on the sum of ready money and the conciliar chest see below CH. IX.

bishops? Rome was firmly resolved to prevent an extension of the right to vote on the model of the reform Councils of the fifteenth century, but the Curia was equally anxious to have the generals of the Orders of mendicants—those papal guardsmen—accepted as full members of the Council while the abbots, who were expressly mentioned in the Bull of Convocation, were not to be completely excluded. On the other hand the bishops jealously sought to preserve their privileges and to raise the prestige of their state which had sunk to a very low level. It was scarcely possible to deny full rights to the generals of the five mendicant Orders, of which nearly all the theologians present were members, since it was evident that without their co-operation the Council would not be able to do its work in the sphere of dogma. Even the recollection of the early Councils, which had been exclusively episcopal synods, failed to cause a change in the practice that had obtained since the opening Session. Though no formal resolution had been passed, the general congregation of 29 December acted on the understanding that the generals were entitled to a decisive vote.¹ However, the latter were in the habit of abstaining from voting as often as there was question of specifically episcopal affairs, and in particular when there was question of corrective action against bishops.

The abbots' right to a vote met with stronger opposition. True, there was express mention of them in the Bull of Convocation, but Pacheco very properly observed that if a number of them were to put in an appearance, they would be in a position to change the character of the Council by sheer weight of numbers and to influence its decision in a one-sided direction. This danger was averted by the compromise which Del Monte suggested at the next general congregation. Though three mitred abbots were present, and might therefore have claimed the right to vote for their own persons, they were only granted a collective vote, as the representatives of their congregations. This ruling, which at first was to have been provisional, eventually became the established practice.

Far more arduous was the problem of the right of voting of the

¹ Here the acts of the general congregation of 5 December 1545, *C.T.*, VOL. IV, pp. 540 f., must be corrected by the statements of Severoli, *C.T.*, VOL. I, pp. 10 f. and Massarelli's *Diarium I*, *ibid.*, p. 471. The legates' report, *C.T.*, VOL. X, pp. 293 f. For the abstention from voting by the generals of Orders on specifically episcopal questions see *C.T.*, VOL. V, pp. 216, 356.—True, even in mid-March, Lejay still considered their right to a vote as undecided, *M.H.S.J.*, *Epp. Broetii*, *Jaji*, etc. (Madrid 1903), p. 302; also Pratanus (Prée), *C.T.*, VOL. II, p. 387, l. 36. On the occasion of the vote on residence in *Sessio VI*, Del Monte did not at first count their votes with those of the other Fathers of the Council, see below CH. IX.

proctors of absent bishops.¹ With a view to furthering attendance at the Council, as well as in order to prevent the rise of plural voting and the metamorphosis of the Council into a gathering of proctors, the Pope, soon after the convocation, by the Bull *Decet nos* of 17 April 1545, had restricted the role of the proctors of bishops not personally present to the presentation of the prelates' excuses for their non-appearance and forbidden any kind of transference of their right to vote. However, after the proctors of the Archbishop of Mainz, Necrosius and Kauf, had left Trent in high dudgeon, the brief *Dudum* of 5 December 1545, made an exception in favour of the German bishops, but the execution of the brief was left to the discretion of the legates who were thereby placed in a difficult situation. When they suggested the brief, they were thinking of discretionary powers authorising them to admit the proctors present at the Council from Session to Session, consideration being had of their persons and the circumstances. The brief, however, gave the German proctors the right to admission. Once this fact became generally known it was to be expected that, regardless of the peculiar situation in Germany, other nations would demand a similar privilege, with the result that the Bull *Decet nos* would be practically invalidated. For this reason the legates kept the brief secret. For the general congregation of 29 December they accordingly decided, apparently without consulting the Council, that the two proctors of Cardinal Otto of Augsburg, Wolfgang Andrew Rhem, canon and provost of St Moritz, and the Jesuit Claude Lejay (Jajus) were not to be granted a decisive vote but merely a consultative one. The Pope subsequently approved a decision which was fraught with very heavy consequences; it would ultimately favour the freedom of the Council, his nephew was told to inform Trent, by eliminating plural voting. But one consequence—one that had hardly been foreseen—was that the bishops of the Empire, who in any case did not favour the Council, neither put in a personal appearance at Trent, nor were they prepared to run into expense by the despatch and maintenance of proctors since the only role assigned to the latter was that of supers. Only the Archbishop of Trier, Johann Ludwig von Hagen, had been represented since 14 May 1546 by the Dominican Ambrosius Pelargus. That the conduct of the legates, however much

¹ With regard to the brief *Dudum*, on the admission of the German proctors see *C.T.*, VOL. IV, pp. 443 f. Farnese's directives of 30 November and 7 December, *C.T.*, VOL. X, pp. 261, 268, must be noted; the legates' misgivings, *ibid.*, p. 277, ll. 26 ff.; the Pope's attitude on 31 December, *ibid.*, pp. 290, ll. 6 ff.; 292, ll. 17 ff.; powers of the Augsburg proctors, *C.T.*, VOL. IV, p. 440; those of the proctors of Trier, *C.T.*, VOL. V, pp. 142 f.

it may be open to criticism, was not due to any anti-German bias, appears from a parallel decision, namely that the theologian Domiño Soto, the proctor of the general of the Dominicans, though admitted to the congregations, was not to be given the full right to vote.

In the opinion of the members the circle of those entitled to a vote was thus staked off, at least provisionally; actually the settlement was destined to be permanent. It only remained to make arrangements for the seating of the members. At the conclusion of the general congregation of 29 December, on a motion of the legates, the Council appointed its first commission. The three senior active bishops, namely those of Ivrea, La Cava and Feltre, were requested to ascertain the date of promotion of the bishops and to submit proposals to the *plenum* about the places to be allocated to the envoys, and about the line to be taken in the admission of clerics not entitled to vote as well as that of laymen. At the general congregation of 4 January 1546, the prelates occupied for the first time the seats allotted to them by the commission. In the Session of 7 January, also in accordance with the proposal of the commission, the envoys were assigned places between the cardinals and the bishops. Each general of an Order was allowed to bring two theologians. The admission of native noblemen was left to Madruzzo. In order to make a clear distinction between those entitled to vote and those who were mere witnesses, it was laid down that the latter must remain standing during the Sessions since, unlike the bishops, they exercised no judicial function.

In the course of the debate on the agenda on 29 December, the policy of the legates had been to put off a decision on this controverted question for as long as possible, not only in order to gain time, but also in the hope that a solution would emerge from practical experience. There were not wanting signs that though there was as yet no compact opposition party, there nevertheless existed a distrust, more latent than overt, of the intentions of the Curia and the legates, as well as a desire to assert the authority of the Council and the bishops present at it. In the general congregation of 4 January 1546 these aspirations became a concrete demand—it was episcopalism's first move.¹

¹ K. D. Schmidt, *Studien*, pp. 54 ff., and myself, though somewhat differently (*Seripando*, VOL. I, p. 412, Eng. edn. pp. 252 f.) have attempted to reconstruct the stormy five-hours' general congregation of 4 January. The best chronology of events is in Seripando's diary, *C.T.*, VOL. II, pp. 412 ff., to be compared with Severoli's statements, *C.T.*, VOL. I, pp. 12-16, the legates' report, *C.T.*, VOL. X, pp. 297-300 and that of the anonymous Franciscan, *ibid.*, pp. 302 ff. It can scarcely be questioned that consultation of the Pope was mentioned as reported by Prée, *C.T.*, VOL. II, p. 378, l. 8 and by Anonymous, *C.T.*, VOL. X, p. 303, l. 15.

The Session arranged for 7 January was at hand: it was imperative that the members should make up their minds as to what was to be done at it. However, before the assembly passed to the order of the day, the president made some communications from a letter of Cardinal Farnese, dated 31 December, which had just come to hand. The first point, and the most important for the future, was to the effect that the Council, in keeping with the terms of the Bull of Convocation, must begin by dealing with the dogmatic questions, but in such wise that only the errors of the reformers would be condemned, not their persons, so as not to cut off the possibility that they themselves might expound their teaching before the Council. It is remarkable that the first and most weighty directive, that is, the priority of dogma over reform, was not taken up by the assembly; it only became the central point of the debate towards the end of January. The second, no less important directive conformed to the Emperor's great plan, as appears from the arguments on which it is based, namely, first war against the Protestants, then the Council; as a matter of fact it remained operative throughout the Council—not one canon mentions the name or condemns the person of a reformer.

The Pope also held out a prospect that he would put the required officials at the Council's disposal. As a suitable secretary he singled out the humanist and poet Marcantonio Flaminio, if the latter was willing to accept the office. Achille de' Grassi and Ugo Buoncompagni were given the posts of advocate and abbreviator respectively. A suitable protonotary had not yet been found. But now there arose opposition to the appointment of officials by the Pope. This was the affair of the Council, it was said. Del Monte reacted most skilfully. By sending experienced officials, he argued, the Pope wished to help the Council in the execution of its task, not to do it violence; the Council would decide whether or not to accept these officials. But when at the conclusion of his explanations the president, annoyed by certain expressions used by the protagonists of the autonomy of the Council, added that it was a mistake to imagine that with the opening of the Council the Pope's authority had undergone a diminution—not only was it not diminished but, on the contrary, it was increased—the Bishop of Astorga rose and declared: "We too know the limits of our authority. The Council enjoys full power to decide in its own affairs; in all that happens outside the Council the Pope's authority is in no way restricted." This declaration presaged a struggle.

By the time the draft of the decree which was to be published in the

January Session came to be read, the atmosphere had grown tense. Its canonistic phraseology pointed to none other than the president as its author. However, it was not its contents—a rule of life for the members of the Council—that drew a protest from the Bishop of Fiesole, Braccio Martelli, who was the first to give his vote, but the wording of the opening sentence. His complaint was that it did not describe the Council as representing the universal Church (*universalem ecclesiam repraesentans*) as had been done at previous Councils. As a matter of fact the formula, of the omission of which Martelli complained, stood at the head of the famous decree *Sacrosancta* of Constance which, after the flight of Pope John XXIII, had proclaimed the Council's superiority over the Pope. In spite of the small attendance at the moment, the present Council represented the universal Church no less than the Councils of Constance and Basle. What was surprising and disquieting for the legates was the circumstance that Martelli's was no isolated protest but that it received the support of nearly all the bishops that spoke after him. Was the conciliarism of Basle about to come to life once more? Or was Martelli no more than the mouthpiece of one mightier than he?

Fears of this kind were excessive. On the matter itself there could be no serious difference of opinion. An oecumenical Council, legitimately convoked, inaugurated by papal legates and presided over by them, was the representative of the whole Church. However, the recollection of Constance and Basle, and the support given to Martelli by the majority, alarmed Del Monte to such an extent that he let escape the inconsiderate remark that the Pope must first be consulted on the proposed addition. Feeling was running high and the observation was not calculated to calm it. The sound arguments that could be adduced not indeed against the formula itself, but against its opportuneness, only gained ground by slow degrees. Del Monte pointed out—and the facts lent him full support—that the formula was only used at Constance after John XXIII's flight had put the settlement of the schism in jeopardy; the Council of Basle—that *conciliabulum*—could not be invoked as an authoritative precedent for the present gathering. He too did not deny that it represented the universal Church, but was it advisable, in view of its actual composition, when less than three dozen bishops were present, to use so pretentious a formula which could only call forth the hostility and derision of their opponents? By this discrimination between the justification of the formula and its expediency, the president was only returning the ball that Seripando, the

general of the Augustinians, had thrown to him. Other objections equally worthy of consideration had been adduced by the general of the Servites Bonuccio and by the auditor Pighino. The former observed that the formula, and in fact the very notion of representation, was foreign to the ancient Councils—a remark borne out by history. The latter pointed out that the term “oecumenical” included the notion of representation of the universal Church. When finally Cardinal Madruzzo described the formula as inopportune, its advocates gave way but a minority of at least eight bishops insisted on the representation formula being inserted in the decrees of the Council as soon as attendance at it should have increased. The decree was taken as passed; the road for the Session was open.

The material picture which the second Session of 7 January 1546¹

¹ *Sessio* II of 7 January 1546 was at first described as *Sessio* I (e.g. in Massarelli's *Diarium I*, C.T., VOL. I, p. 367, l. 19, in the so-called original protocol, Vat. Arch. *Concilio* 62, C.T., VOL. IV, p. 547, and in the edition printed in Paris in 1546, Kuttner, *Decreta*, p. xxiv), because the opening Session was not counted as the first. In the final edition of the acts Massarelli introduced the reckoning in use ever since. In addition to the acts, C.T., VOL. IV, pp. 547, 564, with the text of the legates' exhortation and the sermon, Severoli, C.T., VOL. I, pp. 16 ff., who assisted in the capacity of promoter, must also be considered, as well as Massarelli's somewhat jejune account, *ibid.*, pp. 367 f., but above all the legates' report of 9 January, which shows more clearly than the acts which participants were seated and were accordingly regarded as having juridical rights (ambassadors) and which had to stand, and were regarded as mere witnesses. The number of prelates is given as twenty-nine, while Severoli and the acts mention four archbishops and twenty-six bishops—thirty in all.—The preacher, Coriolano Martirano, a native of Cosenza and Bishop of San Marco in Calabria, 1530-57 (Eubel, III, p. 234), was one of the four prelates chosen by the Viceroy of Naples as proctors for the bishops of the kingdom. His brother was “segretario del regno” (according to information by P. Recupito to Alciati, 14 April 1625, Arch. of the Gregor. Univ. 616, fol. 46^r). He had been at Trent since 1 June 1545, C.T., VOL. I, p. 198, l. 15, and except for two brief interruptions after 21 June 1546, *ibid.*, p. 555, l. 32, and at the end of December 1546, C.T., VOL. X, p. 773, l. 30, he remained there up to the translation. On 13 August he pronounced *luculentam orationem* against the Fathers' eagerness to get away from Trent, C.T., VOL. V, pp. 406 ff.; VOL. I, p. 567, l. 18. On 10 August Juan Páez de Castro describes him as “*bene doctus graece et latine*, aunque no tiene mucha otra erudición” (Dormer, *Progresos*, p. 462). He was regarded as a good stylist and for that reason was commissioned to draw up the conciliar letters to princes which, in the end, were never despatched, C.T., VOL. I, p. 384, l. 23. His reputation as an orator is proved by the fact that he was chosen to preach not only at the second Session but likewise at the seventh, and that he pronounced the Latin discourse at the service of thanksgiving for the birth of Don Carlos, 6 August 1545, C.T., VOL. I, p. 231, l. 39. What most impressed an anonymous reporter of the sermon at *Sessio* VII was his self-accusation: “seipsum et caeteros qui ecclesiis praesunt autorem horum malorum confessus est”, C.T., VOL. X, p. 303, n. 9; *ibid.*, the pious wish of another anonymous Franciscan: “Beato il concilio se la gustasse.” It was inevitable that a confession which so vividly recalled Adrian VI's instructions for the Diet of Nuremberg would shock some people but the “leggieresse” which had come to Farnese's ears at the end of January 1546, C.T., VOL. X, p. 323, l. 26, must have been remarks made by the bishop at a general congregation of which there is

presented to the spectator differed very little from that of the opening Session. The number of bishops had risen by five. Below them sat, now admitted to full membership, the three Benedictine abbots and the five generals of the mendicant Orders. The envoys' bench was very sparsely occupied. Next to the two representatives of King Ferdinand I sat the proctor of Cardinal Otto of Augsburg who on this occasion was treated as a Prince of the Empire, but no similar treatment was meted out to the two Portuguese Dominicans who had come to Trent with the ambassadors of their King. They drew attention to their special status by remaining seated, like the Fathers of the Council who were entitled to vote, whereas the rest of the theologians and canonists—forty-three of them—remained on their feet throughout the Session.

At the conclusion of the Mass of the Holy Ghost, celebrated by the Bishop of Castellamare, the humanist Coriolano Martirano, Bishop of San Marco in Calabria, that day's preacher, began by revelling in a lurid picture of the decay of morals at this time; by contrast the humility, poverty and charity of the primitive Church stood out as an all the more splendid ideal. He was not altogether wrong when he exclaimed: "We have supplied the dissidents (he called them deserters) with weapons with which to attack us", or when he observed that, in consequence of their apostasy, the Church had been reduced to the size of a small field (*agellus*), or when he uttered a warning against hidden enemies. The Council was a harbour which Peter's barque, though threatened with shipwreck, had succeeded in making, but it would only be safe if the crew did its duty while in harbour. "The eyes of the whole world are upon you; holy Church, Christ's bride, clings to your knees; comfort ye God's people, plant anew, build up, pull down!" "Blessed is the Council", wrote one of the witnesses, "if it takes this appeal to heart!"

Less pathos, but for that very reason far greater persuasiveness, characterised the exhortation to the Council which Cardinal Pole had been commissioned by the legates to draw up, and which was read by Angelo Massarelli, who acted as secretary. Deliberately eschewing the tricks of humanistic rhetoric, it owed all its inspiration to the Sacred Scriptures and was a masterpiece both in form and matter. In view of

no record. Not long after this the legates spoke of him as "*di bona natura*" and as having returned to the right path, *ibid.*, pp. 333, l. 33; 334, l. 13. He belonged to the moderate wing of the imperial group; Grechetto's accusation, *ibid.*, p. 587, n. 2, overshot the mark (*see below*, CH. XIII).

recent tensions it was highly significant that it did not in any way differentiate between the leaders of the Council and those who composed the assembly but held up the mirror of self-examination before all of them without excepting anyone. Every one of them is made to stand before the judgment-seat of God, is forced to confess his guilt and is reminded of the example set by Jesus Christ. By Pole's mouth the Council speaks as Adrian VI spoke at the Diet of Nuremberg: "We ourselves are largely responsible for the misfortune that has occurred—for the rise of heresy, the collapse of Christian morality, because we have failed to cultivate the field that was entrusted to us. We are like salt that has lost its savour. Unless we do penance God will not speak to us even as He refused to answer the Jews" (Ezech. xx, iff.). In the suffering servant Pole sees a prophetic figure of the Council—"Only if Christ is its peace will the Spirit of God be poured out upon it—only then will He Himself say to it: See here I am!"

Of an anxious fear lest this spontaneous confession might be misused there is no trace in Pole's exhortation. Seripando was deeply moved by what he describes in his diary as "a sincere, devout, Christian" confession. It was an expression of the deepest sense of responsibility and of a determination to stake one's all for a cause. Words can be deeds—such were these words.

By comparison with this event the rest of the Session was of no great significance. The Bishop of Castellamare read two documents which properly belonged to the opening Session, namely the above-mentioned Bull *Decet nos* concerning the proctors, and the brief of 4 December 1545 ordering the legates to open the Council, and finally the decree about the rule of life for the members of the Council which had given rise to controversy at the general congregation of 4 January but had eventually been accepted. This decree admonished the bishops and their associates to conduct themselves in a manner in keeping with the seriousness of their task, and to apply themselves to prayer and study. It ordained that on every Thursday the Mass of the Holy Ghost and the Litany (of the Saints) be said in the cathedral for the intentions of the Council and that all Fridays were to be days of fasting. When the auditor Pighino, assisted by the two notaries Claudius della Casa and Nicholas Driel, came to collect the votes, it was found that nine prelates, namely the Archbishops of Aix and Palermo and the Bishops of Fiesole, Capaccio, Castellamare, Lanciano, Belcastro, Badajoz and Astorga, had attached a condition to their *placet*, namely, provided the words *universalem ecclesiam repraesentans* were added to

the title. Castellamare's condition was "provided there is a discussion about it". The Bishop of Motula gave his assent for this time only. Thus the decree was accepted, but nearly a third of those entitled to a vote persisted in the demand for the wider title of the Council. The next Session was fixed for 4 February.

The legates took a very serious view of the opposition which had raised its head in the general congregation of 4 January and in the Session of the seventh of the same month. Cervini equipped himself for further discussion by an assiduous study of the acts of the ancient Councils as well as of those of the Council of Constance. By means of the historical material he had collected Massarelli succeeded in persuading Cardinal Madruzzo, who on his own admission had been in sympathy with Martelli, as well as Pacheco, of the justice of the standpoint that had been adopted. The legates Cervini and Pole worked upon Badajoz and Astorga, but they were not won over, as Massarelli and Pacheco imagined. In order to meet the opposition the legates proposed in the general congregation of 13 January,¹ to insert in the decree already passed the words "oecumenical and general", and thereby to underline the authority of the Council. Though the proposal was accepted by a two-thirds majority, the two words are missing in the official text of the acts. If the opposition lost ground, it was due not so much to this concession as to the judicious representation of the Bishop of Astorga who, as a matter of fact, stressed once more the fact that the Council actually represented the universal Church. But he also pointed out that neither the written law, nor custom, nor existing circumstances, demanded the insertion of a clause to that effect in the text of the decrees. A remark by Seripando, that nothing prevented the use of the enlarged title of the Council in the future decrees, was another contribution to a calmer frame of mind. The die-hards—the Bishops of Fiesole, Capaccio and Badajoz, maintained their demand in the subsequent Session. Even so forbearing a nature as Cardinal Pole's regarded such obstinacy, especially that of the Bishop of Fiesole, as a display of peevishness.

Far more disquieting than these early stirrings of episcopalism was

¹ General congregation of 13 January 1546: Severoli, *C.T.*, VOL. I, pp. 18 ff.; acts, *C.T.*, VOL. IV, pp. 565 ff.; the legates' report, 14 January, *C.T.*, VOL. X, pp. 311 ff. The speeches of Pole and Seripando in the latter's diary, *C.T.*, VOL. II, pp. 421 ff.; Cervini's speech in Massarelli (fully), *C.T.*, VOL. I, pp. 374 ff.; see also pp. 368, l. 20; 370, l. 25; 371, l. 20 Madruzzo's revelations about the "Lutherans" at Trent. Clarus's statement of 13 January (State Arch. Florence, *Med.* 2966 fol. 122^r) that nothing was added to the title of the decree, is therefore inaccurate.

a communication made by Madruzzo on 11 January through Massarelli. It was to the effect that it was rumoured that among the bishops at present at the Council there were seven or eight whose mentality was thoroughly Lutheran, not indeed in the sense that they championed Lutheran doctrines, but because they held erroneous conceptions of the primacy of the Pope, advocated the concession to the Protestants of Communion in both kinds and the marriage of priests, while they also claimed that the Council was not free. It further stated that a certain bishop acting as the spokesman of this group, and accompanied by several abbots, had called on Madruzzo and prayed him to forward a letter addressed to Melanchthon, in which the latter was requested to come to Trent where he would find many friends who hoped for a strengthening of their position from his presence.

Was there then a group of crypto-Lutherans at the Council? Massarelli's report might give the impression that there was such a party, but if read with care it becomes immediately evident that both Madruzzo and Massarelli, like so many of their Catholic contemporaries, took great liberties with the term "Lutheran". Actually there was question of the opposition group which, since the turn of the year, had been campaigning for the autonomy of the Council. The presence at Trent of the German Protestants, these men thought, not without reason, would strengthen their own position. They were prepared for concessions in their favour in the disciplinary sphere and Melanchthon, the spokesman of the Protestants at the colloquies, seemed to them the right partner for a discussion. There is therefore no need to look for names. As regards the abbots, we may presume that one of Madruzzo's visitors was probably the Benedictine Luciano degli Ottoni, Abbot of Pomposa, near Ferrara, whom we shall come to know as a typical exponent of Italian evangelism. Pier Paolo Vergerio, already suspect of heresy, only reached Trent on 22 January, impelled by a vain hope of securing his rehabilitation with the help of the Council. Cervini gave him a none-too-friendly reception and he was not acknowledged as a member of the Council.² As will appear later on, the German Protestants maintained a news service at Trent, but there is no evidence of direct contact with their leaders by any of the members of the Council.

² For Vergerio's appearance at Trent, to which we can only refer in passing, see *C.T.*, VOL. I, pp. 387 ff.; VOL. X, pp. 345 f., 408 f. Through the intervention of the legates Vergerio's examination was entrusted to the Patriarch of Venice, whose place was taken later on by the Patriarch of Aquileia. At the beginning of March Vergerio made another short stay at Trent. For full details see G. Buschbell, *Reformation und Inquisition in Italien um die Mitte des 16 Jahrhunderts* (Paderborn 1910), pp. 110 ff.

However, we can easily understand that Madruzzo's warning cast the shadow of a suspicion on Cervini's soul.

A whole month had gone by since the opening of the Council, yet the assembly was still without either a programme for its discussions or an orderly method of procedure for the execution of that programme. Accordingly, at the conclusion of the general congregation of 13 January, Del Monte required the Fathers of the Council to give thought to the order in which they were to carry out the three tasks which the Bull of Convocation set them—viz. a statement of Catholic dogma, reform of the Church, preparing the way for peace. The order of the day which was handed to the Fathers before the general congregation of 18 January included the further question whether the German Protestants should be invited once more, and whether the Council should give them time to arrive.

As for peace, the president declared at the very beginning of the general congregation of 18 January,¹ that the Pope would see to it, hence the only problem the Council had to settle was the sequence in which it intended to discuss dogma and reform. The course of the debate was determined by Madruzzo, who spoke first. They must begin with the abuses, he urged, because they had provided the pretext for the Lutheran teaching. The next speaker, Pacheco, agreed with Madruzzo but also proposed, obviously with a view to meeting the wishes of the legates, that before they dealt with the reform, a commission should be set up for the purpose of preparing the dogmatic decisions. The majority of the Fathers of the Council agreed with the two cardinals; only a few were bold enough to insist on priority being given to the discussion of dogma, among them Cornelio Musso, Bishop of Bitonto in Apulia, who did so for an excellent, but at the moment extremely awkward reason, namely that this was what the Pope wanted. It would have been an easy thing, in view of what had happened in Italy, to prove the urgent need of dogmatic definitions. A middle course was suggested by the Bishop of Feltre, Tommaso Campeggio. On the basis of the ceremonial of Augustinus Patritius and the procedure adopted at Basle, he proposed the formation of three deputations, namely for dogma, reform and peace. In this way the three subjects could be treated simultaneously. At the conclusion of the congregation

¹ General congregation of 18 January 1546: Severoli, *C.T.*, vol. I, pp. 20 f.; Massarelli's *Diarium I* and acts, *ibid.*, pp. 397 f.; vol. IV, pp. 567 f.; the legates' report of 19 January, vol. X, pp. 317 f. The legates' proposal only in Seripando, vol. II, p. 423, ll. 20-6.

no doubt was left that the great majority of the Fathers were in favour of priority being given to the discussion of reform.

It looked as if the scales would come decisively down in favour of this view when in the next general congregation on 22 January¹ Madruzzo read from manuscript a sharply-pointed speech in which he argued once more at length in favour of his opinion. His discourse can be summed up in one sentence: in accordance with the practice of the Apostles, it was the Council's duty first to do what was right, and then to teach. However, the president, who in his introductory remarks had once more urged the simultaneous discussion of dogma and reform, intervened in the course of the debate with a remark which was unmistakably meant not for the matter under discussion but for the person of the previous speaker. Church reform, he said, can begin at once, without loss of time and without previous discussion, with the spontaneous reform of the members of the Council! Del Monte declared his readiness to resign, in presence of the notary of the Council, the diocese of Pavia of which he was the administrator, together with all his other benefices. If the rest of the members of the Council would do likewise a beginning would have been made. On the other hand the general reform of the Church, which included not only the reform of the Roman Curia but also that of the princes and the laity generally, was not to be brought about in a hurry; it required careful consideration and much time. But it was in the interest of both parties, Catholics as well as Protestants, that a start should be made by clarifying the dogmatic questions.

The Council had followed this verbal skirmish with breathless attention. All eyes were fixed on Madruzzo, for it was common knowledge that in addition to the cardinalate he also held the two dioceses of Trent and Brixen. There was no escape for him—he needs must declare his readiness to give up one of his two bishoprics. There was but little persuasive force in Del Monte's gesture and the situation was

¹ General congregation of 22 January 1546: Severoli, *C.T.*, VOL. I, pp. 21-4; Massarelli's *Diarium I* and acts, *ibid.*, pp. 382 ff.; VOL. IV, pp. 569-72; Seripando, *C.T.*, VOL. II, pp. 424 f.; legates' report of 22 January, *ibid.*, VOL. X, pp. 326 ff. Ehses, *C.T.*, VOL. IV, p. 571, n. 4, has already observed that Massarelli's list of the opponents, *C.T.*, VOL. I, pp. 382 f., cannot refer to the general congregation of 22 January, not only because the number (13) does not agree with the above-mentioned remark of Severoli, "uno aut altero excepto", and even less with Seripando's "concordissime" and "nemine prorsus dissentiente", *C.T.*, VOL. II, pp. 424, ll. 10 and 29; for Musso the legates expressly state the opposite, *C.T.*, VOL. X, p. 333, l. 29. The group of four opponents of whom Cervini speaks on 23 January, *ibid.*, p. 329, l. 26, undoubtedly included the Bishops of Capaccio, Fiesole, and Chioggia; cf. also *ibid.*, p. 330, l. 19.

becoming painful when Cervini brought the debate back into the practical sphere. His main argument in favour of the priority of dogma was taken from history. The Councils of antiquity, he urged, for instance Chalcedon, had always given priority to the discussion of dogma. Pole's arguments were more effective. He reversed Madruzzo's theory: there could be no reform before the restoration of *religio*, that is, the spirit and practice of genuine religion. On the restoration of genuine piety depended that of morals and ecclesiastical discipline. True reform did not consist in a rich man distributing his wealth to the poor or a king wearing a hair shirt. The ecclesiastical state and vocation must be viewed in the light of religion as defined above. Towards the end of the debate the general of the Servites, Bonuccio, related Pole's observations to the problems of the origin of the religious division. On this occasion Bonuccio gave a first demonstration of his wide acquaintance with the writings of the reformers. In the opinion of the Protestants, he declared, the abuses in the Church (*mali mores*) were the consequence of bad teaching (*mala institutio*), connection between cause and effect being thus reversed.

The critical point of the debate was therefore overcome when Pacheco, speaking immediately after Pole, declared himself in favour of the president's original proposal, namely, that dogma and reform should be discussed simultaneously since in the long run these two themes could not be kept apart. It is certain that Pacheco's authority no less than the arguments of Cervini and Pole were the cause that the great majority (*uno aut altero excepto*) pronounced in favour of a parallel discussion. The promoters of the Council, Severoli and Pighino, were instructed to draft a decree to this effect.

The legates had secured what they wanted—though not without difficulty—and their report to Rome did not disguise their keen satisfaction. All the greater, therefore, was their consternation when on the morning of 26 January the Roman courier delivered a letter of Cardinal Farnese, addressed to the College of Legates, as well as a personal letter, in Farnese's own hand, for Cardinal Cervini, by which in cool terms their whole work was undone. The Pope rejected the simultaneous discussion, but above all, the priority of the reform. To give it priority would be to put the cart before the horse; priority must be given to the dogmatic deliberations. The Pope also found fault with the legates' inadequate reports. He complained that the names of the opponents in the debate on the title of the Council only came to his knowledge through information from another quarter. The legates

were merely the executive organs of the Pope's will, hence they were bound to await his directions both before they submitted proposals and before decisions were taken. Cervini, who owed the whole of his ecclesiastical career to the house of Farnese, was made to feel the papal displeasure more than the others. In a roundabout way he came to know that in Rome he was described as ungrateful and disloyal—that "he was being stoned".¹ It almost looked as if a confidence crisis were about to put a premature end to the conciliar legates' activities. Rumours were already current in Rome that new legates were about to be appointed, that is, that the College of Legates would be enlarged by the addition of new members.²

Del Monte and Cervini were firmly convinced of having acted in the best interests of the Papacy. They were determined not to give up what they considered their better grasp of the situation and to defend their conduct of affairs. For the moment they sought, by delaying the Session for about a fortnight, to gain sufficient time for another expression of opinion on the part of the Pope to reach them. Accordingly, in the general congregation of 26 January,³ without reverting to the decision of 22 January, they sought the opinion of the Council on the still unsolved question of business procedure. The idea advocated by Madruzzo and Pacheco of forming deputations on the model of Basle, by means of which the parallel discussion of dogma and reform would have been easily realised, met with the support of no more than twelve Fathers; the majority, namely twenty-seven, fell in with the proposal of the Bishop of Feltre, that the Council should be divided into three "classes", each of them presided over by one of the legates, and from which commissions might be formed, should the need of them arise. In reality there was no great difference between the two proposals. The

¹ Farnese's letters of 21 and 22 January blaming the legates, *C.T.*, VOL. X, pp. 321-4, should be supplemented by Maffeo's letter of 27 January, *ibid.*, pp. 341 f., where in addition to the "piazze" the imperial ambassador Juan de Vega is named as one of the informants about the opponents.

² The rumour current in Rome that the Pope had a mind to appoint new legates is mentioned in a letter of Carlo Gualteruzzi to G. della Casa, 23 January 1546, Bibl. Ricci 6, fol. 148^v, and in Pandolfini's report of 3 February 1546, State Arch. Florence, *Med.* 2966, fol. 142; but as early as 5 February Bianchetti writes to G. della Casa, Bibl. Ricci 5, fols. 137^v-138^r: "Santa Croce se ne cava la macchia et in somma ha fatto grandissimo acquisto quanto alla reputatione."

³ General congregation of 26 January 1546: Severoli, *C.T.*, VOL. I, pp. 24 f.; Massarelli's *Diarium I*, *ibid.*, pp. 392 f. with the *cedula* of the legates' proposal; the acts, *C.T.*, VOL. IV, pp. 572 f. How little importance the legates attached to the drawing up of a programme by comparison with the political question, appears most clearly from the fact that Cervini mentions it only in passing in his letter of 28 January, *C.T.*, VOL. X, p. 336, l. 35.

division into classes was nothing else than the formation of the Council into three commissions and it only differed from Pacheco's plan in that the three classes were to treat the same subject. The possibility of delaying the Session was discussed in the general congregation, but no decision was reached.

The difficult task of justifying the legates' policy in the eyes of the Pope and, if possible, of winning him over to the compromise solution of 22 January, was undertaken by the man most sharply criticised—Cervini.¹ As became a papal legate, Cervini did not in any way question the Pope's right to issue directives. These he promised to obey faithfully in the time to come; but he made one condition, namely that questions from Trent would not be laid on one side for a fortnight in Rome, as had been done in the present instance, but that an answer would be sent by return of post, inasmuch as the constantly changing situation at the Council did not permit decisions to be long deferred. To tell the Council: "wait till we get an answer from Rome", was to undermine the legates' authority completely.

This frank expostulation prepared the ground for the defence of the legates' policy in the matter of the programme. "In the eyes of the Fathers of the Council," Cervini went on, "to put off the discussion of the reform would be equivalent to suppressing it; it would be a repetition of what had happened at the Councils of Pisa and Constance." The simultaneous discussion of dogma and reform was the utmost limit of what they had been able to obtain. On the other hand the fear that in the course of the negotiations about reform the Council would permit itself to meddle with the administration of the Curia—on the model of Basle—was without any foundation. With a view to allaying suspicions Cervini added: "A beginning should be made with the abuses in the administration of the sacraments, that is, begin in church and sacristy and from there go over to the 'house', that is, pass on to the reform of clergy and laity, the princes included." The reform of the Curia, he hinted, without openly saying so, need not appear among the agenda of the Council—provided the Pope himself took advantage of the time thus gained to forward it. This was the great concern which Cervini had never wearied of insisting upon in his letters to Rome since the summer of 1545.² The Pope, he urged, must take the initiative; he must

¹ Cervini's apology of 26 and 27 January 1546 in *C.T.*, VOL. X, pp. 332-7, must be supplemented by the legates' report of the same date, pp. 342 ff., and the historical retrospect in the legatine report of 2 February, pp. 354-7.

² At a time when the assembly of the Council seemed doubtful, Cervini wrote on 8 August 1545 to Farnese, *C.T.*, VOL. X, pp. 170 f., that a Reform Bull should be published,

reform the Curia before the Council takes a hand in that part of the reform. Precious time had elapsed and next to nothing had been done. Paul III's instructions to Cardinals Ardinghello and Crescenzo, to produce and to examine the reform decrees which had lain in their pigeon-holes since the beginning of the fifteen-forties, were little more than a gesture: they were not the strict order for their execution, as the Farnese represented them to be to the tiresome monitor at Trent, though one in the know, namely the private secretary Maffeo, declared that such an order was impending.

No less striking than the defence of the legates' policy in the matter of the programme was Cervini's exculpation from the charge of inadequate reporting. If in our reports we refrained from immediately mentioning the opponents by name, he explained, and only did so in our last letter, it was because we were anxious not to embitter those who differed from us, for we hoped to attract at least some of them to our side, and this hope was fulfilled. The Bishops of La Cava, Bitonto, San Marco and Motula have been won over; so have the Spaniards Lanciano and Castellamare; the number of the Italians in the opposite camp has shrunk to three, namely the Bishops of Fiesole, Chioggia and Capaccio, and all hope even of these has not vanished. Thus the result of the negotiations of the first week is by no means unfavourable to the Apostolic See; on the contrary, by wisely blending firmness with a readiness to make concessions, the legates have successfully defended the papal authority against rising conciliarist notions and preserved it from any curtailment, and this without creating the impression that there was a desire to avoid the reform. Madruzzo's offensive in favour of the priority of the reform discussions has collapsed pitifully. The legates are not discouraged, as people whisper to one another in Rome—they are masters of the situation. It is true that their authority is

implemented by effective reforms in Rome. He was even more insistent on 28 August, *ibid.*, p. 186, l. 15, this time on conscientious grounds: "per poter . . . render buon conto a Dio della sua administration." After the opening of the Council he returned to the charge on 19 December, *ibid.*, p. 283, l. 36: "A una chosa è hora da pensare per iudicio mio, a la reformatione de la corte Romana quale io vorria vedere che S. Stà facesse lei et non lassasse questa parte a la discretione del concilio." However, Farnese put off the matter on 31 December: the Council should first hear the bishops' grievances, he wrote, *ibid.*, p. 291, l. 41; the Pope also did not think a reform was urgent, *ibid.*, p. 316, l. 10. A little later, *ibid.*, p. 322, l. 36, Farnese speaks of Rome's readiness to observe conciliar reforms and he adds that the Pope had given orders that effect should be given to the reforms discussed four years earlier, *ibid.*, p. 323, l. 20. But these general promises made little impression on Cervini, as is shown by his fresh exhortation on 23 January 1546, *ibid.*, p. 329, l. 36: "a reformare con effetto la corte et il datario senza molto rumore".

chiefly due to a gift of leadership, not to any power to give orders. It rests on an ability to submit to the Council only such matters as meet with its agreement, or at least in the capacity for refuting objections that may be alleged. If the legates had insisted on the priority of dogma, the Council, suspecting a desire to circumvent reform, would have obstinately persisted in its demand and the priority of the reform discussion would undoubtedly have been decided, especially if "the wind from Germany", that is, an appropriate hint from the Emperor, had reinforced the demand. Was it not stated in the Recess of the last Diet of Worms that Church reform, for which preparations had been officially ordered to be made by means of a number of memorials, would be placed on the agenda of the next Diet if the Council had not taken the reform in hand in the meantime? If dogma was placed first and reform second, Martin Bucer would be found to have been right when he said that the Council would begin by condemning the leaders of Protestantism; after that it would disperse without anything having been done for a reform. In a word, it was essential to act independently in this question of the programme, that is, in opposition to the Roman directive. Should the Pope nevertheless disapprove the conduct of the legates and continue to insist on the priority of the dogmatic discussion, the only way out of the impasse would be for the legates to appeal to the Pope's directive to justify themselves in the eyes of the Council. The consequence will be that the latter will be decried as an opponent of the reform.

In their subsequent letters also the legates were at pains to represent the compromise that had been arrived at as acceptable and harmless. Among other things they mentioned the possibility of dealing with such abuses as were connected with the dogmas that were being discussed simultaneously. This was what actually happened at a later period.¹ Cervini also drew up the following prospective sequence of dogmatic discussions: Original sin, justification, the Church, the primacy of the Pope. But though he had thought of all these possibilities, Cervini's main concern was that the Pope should take advantage of the time gained

¹ At first Cervini wished to differentiate between the "reformatione della chiesa" (divine service, preaching, confessions, relations between the pastoral and the regular clergy, images, etc.) and the "casa" (the conduct and manner of life of the clergy), *C.T.*, VOL. X, p. 343, l. 45; he only hints at another possibility in a second letter, viz. the suppression, in the course of the discussion of dogma, of the abuses connected with the latter, *ibid.*, p. 347, l. 33; cf. also p. 352, l. 9. This procedure is likewise advocated in the small tract *De modo procedendi pari passu cum reformatione*, *C.T.*, VOL. XII, p. 449, l. 34. The author is not known but the recipient was undoubtedly Cervini.

and himself carry out a reform of the Curia and so render the notorious *reformatio capituli* by the Council superfluous. "Do not let yourself be intimidated by the slogan of reform," he wrote to Rome on 1 February, "give us a free hand; we shall not suffer anything unseemly to be done here." At the end of their report of 2 February the legates repeated their warning and reminded the Pope of the Recess of the Diet of Worms and a remark made by the auxiliary of Mainz, Michael Holding, the only German bishop who had so far put in an appearance at Trent: "Only reform can save Germany for the Church!"

These courageous and energetic representations were not without effect. Talk about the nomination of new legates was silenced while the prestige of Cervini, the man who had been the target of the sharpest criticism, was not only restored by the middle of February, but had risen to such a degree that with Ardinghello and Sfondrato he was regarded as Farnese's candidate in the event of a papal election. But both in Rome and Venice it was rumoured for months that he had asked to be allowed to return to Rome and that he would be permitted to do so in the near future.¹

The postponement of the Session which the legates, in their great embarrassment, had suggested on 26 January, had not met with any marked opposition. The proposed time-limit oscillated between one week and one month, but on the very next day the legates dropped their plan, not only because they realised that it would be too evident a demonstration of their dependence on instructions from Rome, but likewise because its adoption would have compelled them to submit in the meantime a new subject for discussion and for this also they were without instructions from Rome. They accordingly submitted to the general congregation of 29 January the letters drafted by the Bishop of San Marco in the name of the Council to the Emperor, the King of France, King Ferdinand I and the Kings of Poland and Portugal, praying them to further the Council by the despatch of bishops and envoys.² No one was surprised when the French renewed the demand

¹ The Florentine agent Pandolfini writes on 3 February 1546 to Cosimo, State Arch. Florence, *Med.* 2966, fol. 142, that Del Monte would probably plead the climate, which was injurious to his health, as a ground for relief from his office but that the real motive was that he despaired of his ability successfully to represent the interests of the Curia at Trent.

² General congregation of 29 January 1546: Severoli, *C.T.*, VOL. I, pp. 25 f.; the acts, *C.T.*, VOL. IV, pp. 573 f.; Massarelli's *Diarium* has the highly interesting observation by Pacheco—made, however, outside the general congregation—that the letters to the princes should be signed "per natione", that is according to conciliar nations, *C.T.*, VOL. I, p. 397, l. 1. The legatine report of 30 January, *C.T.*, VOL. X, pp. 347 f.,

they had already made in the second Session, namely that their king should rank with the Emperor and should take precedence over the King of the Romans. Even more embarrassing was another matter which also came up in the course of the discussion, namely the question who should sign these conciliar letters? The legates alone? Or the Fathers of the Council as well, or at least their representatives? As in the case of the title of the Council, it was not a question of a mere formality; the question was whether the papal legates were to be regarded as the only representatives and spokesmen of the Council before the outside world, or whether, when they acted in the name of the Council, the Fathers, or at least their representatives, should also appear by their side. The Bishop of Capaccio, whom we have already come to know as an opponent in the dispute over the title of the Council, moved that the letters should be signed by all the bishops present. For this he drew on himself a sharp rebuke by the president which, as a matter of fact, was strongly disapproved even by so decided a defender of the legates' policy as Seripando. For fear of increasing the existing tension by a fresh conflict, the legates adopted the policy that had served them so well up to this time—they deferred the decision. As for the letters, they vanished in the desk of their humanistic author. In the sequel the legates kept the correspondence with Christian princes in their own hands without anyone objecting.

As a matter of fact, if they had put the discussion of the letters to princes among the agenda of 29 January, it was merely for the purpose of concealing their embarrassment. But even this seemingly harmless topic proved dangerous. We can understand their putting off the general congregation fixed for 1 February in which the decree on the parallel discussion of dogma and reform, which Severoli and Pighino had drafted in the interval, should have been discussed and finally revised. Instead of such a gathering they sent for Pacheco and Madruzzo for the purpose of discussing the situation with them. As if they meant to lay their cards on the table, they informed the two cardinals that the courier who had arrived on 31 January had been the bearer of the sum of money urgently needed for the maintenance of needy prelates and for the payment of the officials of the Council (2000 scudi), but not of the hoped for papal decision on the question of the programme: about the fact that a negative answer had been in their hands since 26 January they kept silence, for they hoped that their

contains a suggestion by the Archbishop of Armagh which is not otherwise attested viz. that a letter should be sent to the Regent of Scotland.

renewed representations in Rome might be successful. Their intention was to persuade the two cardinals to consent to the postponement of the decree. In this they were successful,¹ and in this way the success of their daring manœuvre was almost assured. The strain under which they had been living for a whole week was somewhat eased by the arrival, on 2 February, of another courier who was the bearer of a letter of Cardinal Farnese, the text of which has not been preserved. The letter bore the date of 30 January. Though it did not contain the keenly longed for papal approval of the decree concerning the conciliar programme, it at least assured them of the Pope's confidence. The three classes met for the first time on that day; so they took the opportunity to influence them in favour of the postponement of the decree. Cervini was successful in his class, but in the other two the majority apparently insisted on the publication of the decree,² though it seems that at the last moment the legates succeeded, by means of an individual appeal to each of them, in converting some of the Fathers of the Council to their view, for in the general congregation of 3 February³ the great majority of the members agreed to the postponement. The old opponents in the dispute over the title, the Bishops of Fiesole and Capaccio, alone offered resistance; their opposition was even sharper than that of the Bishops of Badajoz and Astorga, who may have had information from another quarter about the true state of affairs. The Bishop of Badajoz accused the president to his face of having deceived the Council. Del Monte's reply was no less sharp: freedom of speech did not mean freedom to insult. He was quite right; but not only the spiteful Prée, but even the discreet Seripando, in their diaries, leave us in no doubt that the majority of the Council were fully aware of the true reason for the postponement of the decree, or were at least able to make

¹ Prée's assertion that the legates had cunningly obtained the assent of the two cardinals—Madrizzo and Pacheco—to the suppression of the decree on dogma and reform by first mentioning a citation of the German Protestants ordered by the Pope and then declaring their willingness to put it off, is unsupported by any of our sources, *C.T.*, VOL. II, p. 376; however, S. Merkle, "Quellenkritische Studien zur Geschichte des Konzils von Trient", *H.Ź.*, xxxi (1910), pp. 305-22, has sought to show that it is not incredible.

² We have a protocol of only one of the three classes, viz. *C.T.*, VOL. IV, pp. 575 ff., Massarelli's notes of Cervini's class. An *Avviso* from Trent, 3 February, State Arch. Florence, *Med.* 2966, fol. 147 asserts: "Le altre due classe sentirono il contrario, di modo che è gran confusione fra prelati."

³ General congregation of 3 February 1546: Severoli, *C.T.*, VOL. I, pp. 26 f.; the acts, *C.T.*, VOL. IV, pp. 577 f.; the legates' report, *C.T.*, VOL. X, pp. 359 f.; the names of the opponents, *ibid.*, p. 364, l. 14. Seripando's cutting judgment—he was extremely dissatisfied with the result—on the majority as a whole, *C.T.*, VOL. II, p. 427, l. 19: "nullis argumentis, nullis rationibus sententias suas confirmabant."

a shrewd guess. The motive given by the president, that it was necessary to await the arrival of the bishops of Germany, France and Italy then on the way, was regarded, with good reason, as a mere pretext.

We can understand the satisfaction and the optimism which breathe in the legates' report of 4 February though these sentiments were not fully justified. The trust of the Fathers of the Council in the legates' straight-forwardness had suffered a rude shock. When in the general congregation of 3 February, Cervini quoted a passage in Farnese's letter to the effect that he meant to give a good example by renouncing some of his benefices, the words were stultified by Farnese's actions. The long-standing suspicion that Rome sought to circumvent the reform was not removed but strengthened: the seeds of distrust in the ultimate intentions of the Curia had been sown.

The events we have described explain why the third Session of 4 February 1546, proved one of the least fruitful of all the Sessions of the Council of Trent.¹ The numbers of those entitled to vote had not risen above that of the second Session. Of the many bishops who were staying in nearby Venice, not one had obeyed the summons of Nuncio Giovanni della Casa. The two short decrees were not read out by the Archbishop of Palermo, who had sung the Mass of the Holy Ghost, but by the Archbishop of Sassari. The first, which was inserted at the last minute to make up for the decree on the conciliar programme which had been suppressed, concerned the acceptance of the Nicaeno-Constantinopolitan Creed by the Council which in this way followed the example of many older Councils. The second decree fixed the date of the next Session for the Thursday after *Laetare*, that is, 8 April. In both decrees, in accordance with the decision of 13 January, the Council described itself as "oecumenical and universal", but this did not stop the obstinate protagonists of the theory of universal representation—the Bishops of Fiesole, Capaccio and Badajoz—from protesting in writing

¹ *Sessio III*, 4 February 1546: the acts, *C.T.*, VOL. IV, pp. 579-88; Severoli, *C.T.*, VOL. I, pp. 27 f.; the far too optimistic report of the legates, 4 and 5 February, *C.T.*, VOL. X, pp. 359-62 must be supplemented by Cervini's contemporary letter to Maffeo, pp. 362 ff. J. Schweizer, *Ambrosius Catharinus Politus* (Münster 1910), p. 269, proves the existence of a contemporary print of the sermon which Ehse does not mention, to which reference is made on pp. 141 f. His *Apologia pro veritate catholicae et apostolicae fidei et doctrinae adversus impia ac valde pestifera Martini Lutheri dogmata* (1520) is published by J. Schweizer and A. Franzen: *Corpus Catholicorum* xxvii (Münster 1956); the introduction lists the recent literature, p. ix. Pandolfini, in a letter of 27 January 1546 to Cosimo, reports on Nuncio della Casa's failure to get the bishops residing at Venice to set out for Trent, State Arch. Florence, *Med.* 2966 fols. 132, 138.

against the omission of the title *universalem ecclesiam repraesentans*. The last-named further protested against the suppression of the decree about the programme.

The Dominican Ambrosius Catharinus of Siena was the first controversial theologian to enter the pulpit of the Council. His *Apologia*, published in the year 1520, ranked him among the first Italian opponents of Luther. His relatively short sermon started, hardly unintentionally, with the trials which, like St Peter, the Council had to undergo. Like Peter, the Council will be "sifted", when its unity, hence the unity of the Church, will be put to the test. Only in union with the Pope will it be able "to confirm the brethren" and gather the scattered and wandering sheep. Catharinus foresaw that his appeal would be given a cheap explanation: "Catharinus, the Papist, the flatterer! the benefice-hunter!" He answers the jibes by comparing himself with the aged Simeon: even as the latter beheld the Saviour, so did he hope, before his end, to be permitted to fold in his arms the *Christus formatus*, that is, the purified Church.

The third Session marks the end of the initial period of the Council. To all outward appearance it had yielded no practical results, but in reality it was decisive for the further course of the assembly. This was determined by three factors: by the persons that made up the assembly and their mental attitude to the questions discussed; by the Pope as their head; and by the presiding body as the intermediary authority between both. The last two general Councils, that of Basle and the fifth Lateran Council, had not attained their object, or had done so only very imperfectly, because at the former the tension between the Curia and the Council did not lead to a creative settlement but, on the contrary, ended in a breach which the presidents had been unable to prevent, while at the Lateran Council, by reason of the small attendance by non-Italians and the direct guidance by the Pope himself, no real opposition could arise. On the day of the opening of the Council of Trent, no one could foretell in which direction it would move in the burning question of reform, what rights it would claim with regard to the Pope, and how its attitude to the Curia would shape itself. It was equally uncertain at that time whether the legates, as the Pope's representatives, would succeed in taking over the reins and so set the pace for the future course of the Council.

At the end of two months' negotiations one thing had become evident: notwithstanding the small number, for the time being, of the participants, and in spite of the preponderance of the Italians, this

gathering was no pliant tool of the Pope. Not that the bishops of Charles V's territories had already formed an imperial party in conjunction with Cardinals Madruzzo and Pacheco, and were openly using their influence to promote the political aims of their sovereign as was done by the handful of Frenchmen at Trent; on the contrary, the negotiations about the title of the decrees of the Council and on the place of Church reform in its programme, as well as on secondary questions, such as the appointment of conciliar officials and the drafting of letters to princes, had shown that a large number of the prelates present had very personal views on the duties of the assembly, were conscious of their duty and possessed a full measure of episcopal self-reliance. The Bishop of Astorga's remark that the Council would know how to conduct its own affairs was no isolated expression of Spanish pride, while the general applause which greeted Madruzzo's reform speech clearly showed in what direction the wishes of the majority tended. It is true that on the most important controversial question the majority ended by taking the line laid down by the legates, but this outward conformity was by no means synonymous with the complete abandonment of what they had originally aimed at. Above all the most recent incidents, which marked the suppression of the decree by which the simultaneous discussion of dogma and reform was to be put on the conciliar programme, had given rise to dissatisfaction and distrust and fed a dangerous pessimism. On 4 February an observer¹ wrote: "Now, as before, I am of opinion that the Council will do nothing [for the reform]. It will content itself with regulations for religious and secular priests—unless God sends a fresh wind from the north to fan into flame the embers of which there remains a good quantity. As things are no one shows courage or is able to obtain anything, because the questions and proposals of the legates are the sole theme of the negotiations and they have openly declared that the Council was a papal one and could only treat of such matters as were agreeable to His Holiness. The opposition to such a principle has not yet ventured into the open because it judges that its time is not yet. For all that, there is a goodly number of prelates who are prepared for such a move, and they would

¹ State Arch. Florence, *Med.* 2966, fol. 154: "Il successo della seconda Sessione del concilio tenuta alli 4 di febbraio 1545 (1546)." The writer bestows great praise on the preacher of the Session, Ambrosius Catharinus: "Certo mai l'havia creduto che questo huomo tanto fervore et ardire havuto havessi. Ha detto liberamente, non toccando pero nessuno, confortando tutti alla liberta del concilio che si parli senza rispetto, il che pero non si potra mai fare, se prima non vengono piu numero et huiusmodi che voglino la gatta."

have moved—but, as I said, unless God sends help, nothing will happen.”

Such pessimism may seem exaggerated, but Seripando, a trustworthy witness, noted that it was precisely among the best elements of the Council that discontent was most prevalent. The legates' official optimism could not conceal the dangers that threatened from this quarter, least of all from the Pope. There can be no doubt that the course of the discussions up to this time had been a disappointment for the Pontiff as well as a source of fresh anxiety. Events did not in any way conform to the picture of a papal Council such as had always been before Paul III's mind. This Council bore no resemblance to a ship whose helm could easily be manipulated from Rome. Not without a secret satisfaction the French party at the Curia took note of this disappointment; it foresaw that, combined with the recrudescence of mutual distrust between Pope and Emperor, it would in due time bring the latter's great plan to nought. In certain circles of Curia officials it was whispered¹ that the Pope regretted his having opened the Council and thereby laying himself open to unpredictable dangers. In this instance the wish may have been father to the thought. On the other hand, the fact that the Pope was filled with anxiety lest his authority should be tampered with at Trent, is abundantly proved by the frequent directives to the legates not to tolerate any narrowing of the papal authority, even in small matters, such as the granting of indulgences. Another stone of offence at Trent as well as in Rome, though in a different sense, was the question of Church reform, above all, the reform of the Curia. If at Trent distrust of the Curia's willingness to reform was on the increase, fear that its very existence was threatened was increasingly felt at the Curia. It was unfortunate that the Pope's closest adviser, Cardinal Farnese, was quite insensible to the elemental need of reform. However, he was not the Pope's only counsellor.

As early as 19 November 1544 a commission of cardinals had been set up for the affairs of the Council. It consisted at the time, besides the

¹ “Quivi si tiene” we read in an *Avviso* from Trent, State Arch. Florence, *Med.* 2966, fol. 148^v “che il papa si pente d'esser andato tanto avanti”; so also in an *Avviso* of 5 February, *ibid.*, fols. 155^r-156^v: “Dicono alcuni che il papa vorria esser digiuno di questa aperitione.” On 22 January Peter Merbel writes from Milan to Beatus Rhenanus, on the basis of information received from Trent: “Concilium indixisse (papam) ter quaterque et amplius poenituisse nemini dubium est”; he was looking for reasons to dissolve it, for by now it was clear “quid intervenientes dicturi in eo sint”, Horawitz-Hartfelder, *Briefwechsel des B. Rhenanus*, p. 545. The rumours of a translation, which circulated at Venice at the beginning of February 1546, sprang from the same sources, *C.T.*, VOL. x, pp. 376 f.

three future legates, of the dean of the Sacred College, Cardinal Cupis, and Cardinals Carafa, Parisio, Guidiccioni, Crescenzo and Cortese, as permanent members. They were to be joined by Grimani and Morone when they were not prevented by their legations in Emilia or at Bologna respectively. The commission had collaborated in the drafting of the legates' instructions, and its president, Cupis, had been charged by the Pope to press the bishops present in Rome to repair to the Council. Its advice was taken at the time of the decision to open the Council and when the proctors' right to a vote came to be debated. The reports of the conciliar legates were regularly submitted to it and no important decision was taken without it. Although it used to meet twice a week during the month of January 1546, the blame for the slowness of Roman decisions was laid at its door. Again and again we read in the legates' report that not only all questions about the programme of the discussions and the eventual translation or suspension of the Council, but even the drafts of decrees and the finances were discussed by the cardinals of the commission even before the Pope issued his instructions to the legates. As late as the summer of 1546 the dean of the Sacred College acted as president; but the names of Cardinals Ardinghello, Crescenzo, Sfondrato and Morone are mentioned more frequently. In what direction their influence tended, in fact how far it reached, it is difficult to ascertain because we have neither protocols nor any other information about the sittings of this important commission.¹

Even less easy to assess is the influence of another group of persons with whom the Pope was in the habit of discussing his political decisions at this time, namely the "secret" or "private council".² It was formed

¹ A conciliar deputation of nine members had already been constituted for the prospective Council of Mantua, *C.T.*, VOL. IV, p. 142. The eight deputies appointed for the first Tridentine attempt, *ibid.*, p. 329, n. 2, are all members of the deputation of 1544, with the exception of Badia, *ibid.*, p. 385, though on 22 November 1544, Gualteruzzi once more names Badia, Bibl. Ricci 4, fol. 22^r. For the activities of the deputation, *C.T.*, VOL. IV, p. 429; VOL. X, pp. 13, l. 7; 222, l. 6; 261, l. 30; 267, l. 31; the report in VOL. X, pp. 297 ff. was meant to be *litterae monstrabiles* for the deputies, cf. *ibid.*, p. 300, l. 3. Del Monte's complaint of the slow-moving procedure, *C.T.*, VOL. I, p. 392, l. 41, is confirmed in VOL. X, p. 358, l. 6. The "congregatione" in presence of the Pope mentioned in VOL. X, p. 321, l. 4, was probably a session of the commission of cardinals; on 13 February 1546 Gualteruzzi mentions that "due volte la settimana congregationi" took place, Bibl. Ricci, 6, fol. 155^r. Further information on the activities of the commission in *C.T.*, VOL. X, pp. 400, l. 21; 406, l. 36; 414, l. 6; 425, l. 5; 462, l. 8; 506, l. 28; 511, l. 16; 535, l. 14; 544, l. 5; 560, l. 14; 566, l. 29; 576, n. 3 (formation in July 1546); p. 617, l. 1 (decision on translation plan); p. 743, l. 23 (plan for a suspension); p. 915, l. 29 (Morone a member); p. 923, l. 36 (discussion between Morone, Carafa and Sadoletto on the question of reform).

² The "consiglio privato di S. Sta" is mentioned by Bianchetti writing to della Casa on 11 July and 8 and 15 August 1545; on February 1546 he mentions Crescenzo's

exclusively of cardinals closely connected with the house of Farnese and who enjoyed the full confidence both of the Pope and the cardinal-nephew. They were Gambara, Ardinghello, Sfondrato, Capodiferro and, after February 1546, Crescenzo. The names of nearly all of them figure in the story of the antecedents, or in the actual history of the Council of Trent. What was undoubtedly the most important part of their activity, namely their influence on the decisions of a Pope who weighed everything slowly and rarely took a bold step, remains hidden from us. Considerable influence at the Curia was indeed ascribed to the private secretary Bernardino Maffeo,¹ mainly because he was frequently summoned into the Pope's presence as often as twice a day, but it is doubtful whether this shrewd and in every respect excellent man, at that time not much more than thirty years of age, was more than the mere executor of another's decisions. All that we know for certain is that in his many letters to Maffeo, Cardinal Cervini expressed himself with far greater freedom than in his official correspondence. Through him he transmitted many a piece of information and many a suggestion to Farnese, or over the latter's head, even to the Pope himself.

The most weighty outcome of this initial period was the consolidation of the legates' position before the Council as well as before the Pope. They too had first to learn that the Council jealously guarded its rights and would not be commanded. Thus they had been obliged to cancel the nomination of the first conciliar commission on 22 January, because it had been made without the concurrence of the Council. With regard to the Pope, on the basis of the mandate of 22 February 1545,² they enjoyed all the powers of legates *a latere* and this in such

admission to the "consiglio secreto di N.S." Bibl. Ricci, 5, fols. 116^r, 119^r, 152^v. In November 1545 Cattaneo only mentions Ardinghello and already Crescenzo, *C.T.*, VOL. X, p. 846; these two, with Sfondrato, were in charge of the reform of the Curia according to *C.T.*, VOL. X, p. 372, l. 36; cf. also Morandi, *Mon.*, VOL. I, p. 31.

¹ Bernardino Maffeo, born c. 1514, in Rome, but of the Verona family of that name, became Bishop of Massa in 1547, a cardinal in 1549, and died in 1553; cf. Merkle's collection of material, *C.T.*, VOL. II, pp. xxiv ff. His attitude towards reform can be judged by his remark, *C.T.*, VOL. X, p. 372, ll. 12 and 34: "To remove abuses in the Church a certain amount of force was required, otherwise, 'non gli lasceremo mai'; if he had a 'voice in chapter' he would raise a storm."

² The mandate for the legates, 22 February 1545, *C.T.*, VOL. IV, pp. 393 f., originally stated that they could submit proposals (*proponere*), but were only authorised to take a decision "cum consensu concilii". Del Monte objected to this restrictive clause, *C.T.*, VOL. X, p. 7, l. 42; it was accordingly struck out, though the commission of cardinals saw no danger in it, *ibid.*, p. 15, l. 8. However, it was only on 7 December 1545 that Farnese despatched to Trent a third formula of the mandate. This referred them to the

wise that if one of the three were impeded, the other two would have full power of directing the Council. What they would make of these powers was left to develop as time went on. They had no instructions for the conduct of the negotiations. Farnese advised them on 31 December to allow themselves to be guided by the directives which the Pope would give them from time to time on the basis of the reports received by him. They were the Pope's commissaries and felt, as such, they were not the Council's spokesmen. In their view the Pope, the College of Cardinals and the Council constituted an organic whole (*un medesimo corpo*). They strictly insisted that the Council by itself, that is without the Pope and his representatives, was without jurisdiction. This it received from the Pope, and that in such a way that neither the legates without the Council, nor the Council without the legates, were in a position to pass any acts having force of law. The whole of their conciliar policy was inspired by this fundamental conception which rests on the authority of Torquemada.

However, it became evident in the course of the month of January that the unpredictable state of mind of the assembly and the ensuing changes of the situation often demanded speedier decisions than it was possible to obtain through the ordinary post to Rome which operated twice a week, or even by either of the more expeditious means of information, despatch-riders or couriers. During the legates' embarrassment on the eve of the third Session, Massarelli had observed that "no bird, still less a courier" could make the double journey to Rome and back within a period of five days. It took a courier at least three days, and a despatch-rider four days to do a single journey.¹ The Council could not be directed from Rome. The Tridentine legates must be allowed a certain freedom of action. They must have Rome's confidence to the extent of enabling them to take urgent decisions as they themselves judged best. It was chiefly due to Cervini that they secured this freedom. In this way the fate of the Council was placed in their hands to a far greater extent than Rome had originally intended.

Bull of Indiction for the extent of their legatine powers, *ibid.*, p. 268, l. 14. But jurist as he was, Del Monte discovered that according to the rules of Canon Law this formula, which was also found in the brief of 4 December 1545 ordering the opening, was prejudicial to a previous Bull concerning the proctors; he accordingly omitted the reading of it in *Sessio* I; cf. also *ibid.*, p. 272, l. 18 and Ehses's comments, *C.T.*, VOL. IV, p. 442, n. 3. For the legates' conception of the Pope as the bearer of jurisdiction see *C.T.*, VOL. X, pp. 731, l. 20; 754, l. 8.

¹ *C.T.*, VOL. I, p. 398, l. 4; further data in my essay on the Council's expenditure, pp. 125 f. (see above p. 2, n. 6), and in CH. XII below.

The oldest in rank, Giovanni Maria del Monte, Cardinal-Bishop of Palestrina, enjoyed a great reputation as an able jurist and administrator.¹ Del Monte owed his elevation to the cardinalate chiefly to his uncle Antonio, who, during the stormy period of the *conciliabulum* of Pisa and the beginnings of the schism, had shown himself a staunch supporter of the Papacy by his unimpeachable integrity as a judge and a counsellor. His nephew may have lacked a thorough theological formation, and he was without diplomatic experience of any kind. On the other hand he brought to his office of president, in addition to his knowledge of the law, that unerring sense of objectivity, that instinctive appreciation of what is politically right and attainable, which are characteristics of the Italian man-of-the-people to this day. Behind the somewhat rugged features of the man, then at the end of his fifties, there lurked a peasant's unfailing shrewdness. One regrettable disposition in a man called upon to take the lead in discussions, namely a tendency to fly into sudden fits of anger, was in some way neutralised by his presence of mind and quickness of repartee in debate, and not least by a dry humour with the help of which he successfully negotiated more than one critical situation. The pen was no tool of his, but when he wields it in his legatine reports he surprises the reader by the liveliness and picturesqueness of his style and the aptness of his comparisons. His somewhat clumsy writing is clear and distinctive. A partiality for rich and plenteous food had resulted in his falling an early victim to the gout, which frequently kept him away from the negotiations and compelled him to seek periodical relaxation outside the city of the Council. The longer his duties of president of the Council kept him at Trent, the more his health deteriorated and the more pressing became his request to Rome for his release. A serious disagreement with Cardinal Madruzzo in

¹ For Antonio Del Monte († 20 September 1533) cf. H. Jedin "Kardinal Giovanni Ricci", *Miscellanea P. Paschini*, pp. 271 ff.; letters of his also among the *Epistolae* of Pietro Delfino (Venice 1524). There can be no doubt that Gianmaria Del Monte's progress was greatly speeded by consideration for his highly respected uncle. Nothing of importance about his early years has come to light since Pastor wrote (*Popes*, VOL. VI, pp. 36 ff., Eng. edn. VOL. XIII, pp. 45 ff.). Jakob Hess's prolonged researches about the Villa Giulia promise much fresh information about the future Pope Julius III. The letters to the Dukes of Ferrara 1536-50, State Arch. Modena, *Roma* 110, only refer to matters connected with the legations of Ravenna, Parma and Bologna. Del Monte's claim that nine-tenths of Paul III's confidence were given to Cervini and only one tenth to himself, *C.T.*, VOL. I, p. 349, is of course a considerable exaggeration. Farnese praised his equanimity during Madruzzo's "Chietinist sermon", *C.T.*, VOL. X, pp. 368 f. Tommaso Stella, *ibid.*, p. 760, n. 3, describes him as "zelante, corragioso e vigilantissimo" and expresses the opinion that besides Cervini's "quieta natura" his "animosità" was a necessity.

July 1546 further contributed to rendering his stay at the Council distasteful.

Besides presiding at all conciliar acts it fell to Del Monte, as a jurist, to lead the negotiations dealing with the reform. However, in view of his whole mental attitude he was not the man to overcome the deep-rooted distrust of the people north of the Alps about the Curia's willingness to reform; on the contrary his dilatory tactics, his partiality to "little solutions", only increased it. On the other hand he always stood up with determination for the authority and the interests of the Papacy, though at times with uncalled for bluntness. For all that it was no secret that it was not he who was the recipient of the Pope's unlimited confidence but his colleague Cervini, who, moreover, surpassed him both in theological knowledge and in keenness for work. By means of his office of president and by the weight of his personality, Del Monte maintained his position at the head of the assembly until the end: he was, and remained its head, but its heart and motive power was Marcello Cervini.

Cervini, the Cardinal-priest of Santa Croce, hence frequently called Cardinal Santa Croce, came from Tuscany, from the same province as his colleague.¹ Orphaned at an early age he succeeded, by dint of unwearied application to study, in extricating himself from straitened circumstances and when he became Alessandro Farnese's adviser he was caught, against his natural inclination, in the turmoil of politics. It was not the law-courts but the study which this scholar preferred, who was not at any time a mere humanist even if—with the best of them—he too busied himself with textual emendations of Cicero and Arnobius, Eustathius and Theodoret of Cyprus. For him "Christian humanism" did not mean a return to the "ancient devotion", or a search for a

¹ Since Pastor's biography of Cervini (*Popes*, VOL. VI, pp. 324 ff., Eng. edn. VOL. XIV, ch. 1 and 2), B. Neri's *Marcello II* (Alba 1937) has been published. For his scholarly interests there is abundant material in Massarelli and in the conciliar letters (e.g. *C.T.*, VOL. I, pp. 166; 197; 224; 226; 279; 282; VOL. X, pp. 67; 126); P. Paschini, "Un Cardinale editore, Marcello Cervini", *Miscellanea Luigi Ferrari* (Florence 1952), pp. 383-413. The observation in *C.T.*, VOL. I, p. 209, l. 4, on the papal directives, is characteristic; VOL. X, pp. 72 f.; 84, for his characteristic conception of the relations between the Pope and the Emperor. When Massarelli told Madruzzo that the cardinal did not desire any honours from the Emperor, *C.T.*, VOL. I, p. 292, l. 10, he was expressing the sentiments of his master. Cervini's favourite walks were in the direction beyond the castle, towards Fontana Santa (*ibid.*, pp. 213, l. 28; 217, l. 1; 224, l. 30; 274, l. 15), beyond San Bernardino towards Pergine (*ibid.*, pp. 217, l. 38; 225, l. 3), or along the city wall, beside the Adige (*ibid.*, pp. 215, l. 24; 227, l. 12). Morone's appreciative remarks on Cervini's reforming zeal, *C.T.*, VOL. X, p. 294, l. 2; Andreas de Vega's testimony to Cervini's exertions in connection with the decree on justification, in the work *De justificatione* (Cologne 1572), pp. 9 f.

“new” one; least of all did it imply criticism of the pitiably disfigured Church—for him it meant sharing in her truth and grace and a duty to serve her. Though clad in the purple, he was above all a priest. As priest and as head of his household he personally gave Holy Communion to his familiars at Trent. His simple, sincere piety swept him into the reform party, but he was much too conservative to fall in with the radical proposals of the *Consilium de emendanda ecclesia*. For him reform meant in the first instance the strict performance of his own pastoral duties in his diocese of Gubbio, where he appointed that excellent man, Antonio Lorenzini, as his Vicar, and after that, as a matter of course, the spontaneous reform of the Roman Curia. Cardinal Morone described him as “an incomparable man” (*uomo senza paragone*); with ten such men, he would confidently undertake the reform of the whole Church. In his capacity as a member of the Roman Inquisition he stood for the middle course which this tribunal pursued throughout Paul III’s pontificate. The boldness with which he opposed the excessive devotion to the interests of his family of Alessandro Farnese, his former pupil, cost him the latter’s favour, though not the Pope’s who now as before lent a willing ear to his advice—at least in the ecclesiastical sphere—even if he did not invariably act on it. Only in all that concerned the guidance of the Council did Cardinal Santa Croce enjoy Paul III’s full confidence—a confidence that was fully justified. The cardinal’s unconditional devotion to the service of the Church was matched by a scrupulous observance of the dictates of conscience. On three occasions, he once told his secretary Massarelli, he had felt compelled to act in opposition to papal directions in order to act rightly (*per fare bene*). He was no court functionary. In his politics he shared Paul III’s distrust of Charles V and definitely leaned to the French side, more particularly after the Emperor had threatened to make him feel his vengeance should he carry out his plan to transfer the Council into central Italy. At the time of his entry upon his duties of conciliar legate he was only forty-four years old, yet his health left much to be desired. During the waiting period in June 1545 he had a severe attack of kidney trouble and he also suffered from gall-stones. In order to keep fit for work he was wont to take regular walks in the immediate neighbourhood of Trent and insisted on plain fare, for the weight of conciliar business rested for the most part on his shoulders, more particularly the preparation of the dogmatic decrees and, to a large extent, the correspondence with the Curia. His relations with a number of persons enabled him to procure printed

literature which might prove helpful in the conciliar discussions, as for instance Ugoni's work on the Councils, or Protestant books from Augsburg, as well as Greek and Latin manuscripts. With the imperial ambassador Mendoza—a keen collector of manuscripts—he exchanged Greek manuscripts, while Cardinal Cortese procured for him a better Latin text of the acts of the eighth general Council. The almost exclusive object of his considerable correspondence with the learned Guglielmo Sirleto was the acquisition of technical material for the preparation of the conciliar decrees. He was successful in securing the best brains and the most skilful stylists for the formulation of the canons, first among them being the general of the Augustinians, Seripando, who gradually became his most trusted collaborator. But all the time he took a personal part in the work, correcting and altering the wording until he found a satisfactory and generally acceptable formula. With unwearied patience he listened not only to the frequently long-winded votes of the theologians and the bishops but he was also at all times willing to receive them outside the congregations, so that they might lay before him their objections as well as their proposals. "No one knows with what perseverance he laboured day and night", one of his closest associates, the Franciscan theologian Andreas de Vega, wrote at a later date, "in order to give to the most difficult of all the decrees of that period, the decree on justification, its definite form." And we may add: in the years 1546-7, no dogmatic decree was formulated without his personal, active co-operation; every one of them bears, in some way, the imprint of this devout, learned and prudent man.

If the third legate, Cardinal Pole,¹ kept very much in the background behind his colleagues, it was not because his was an insignificant personality, rather was it due to the fact that he was less conversant with the affairs of the Curia as well as to a certain aristocratic reserve. He would never meddle with tasks that did not come his way. Like Cervini he was in his middle forties, but even more than the former, he was handicapped by anxiety for his health to which the climate of Trent was not favourable, as well as by a not altogether groundless, yet exaggerated fear of the snares of his mortal enemy, the King of England,

¹ Literature on Pole up to 1936, *L.Th.K.*, vol. VIII, pp. 343 f.; W. Schenk, *Reginald Pole* (London 1950). Ruggieri, the agent of Ferrara, says of him on 16 July 1541: "La bontà del mondo unita con molta dottrina et prudentia", State Arch. Modena, *Roma* 27 A. A defence of the freedom of speech at the Council, according to Pandolfini's report to Cosimo, 3 February 1546, in State Arch. Florence, *Med.* 2966, fol. 142; cf. also H. Jedin, "Il Cardinal Pole e Vittoria Colonna", *Italia Francescana* XXII (1947), pp. 13-30; further details in CH. VII, p. 279, n. 1, below.

Henry VIII. Cervini was learned and devout; Pole radiated a deep piety, of Biblical inspiration, in the small, strictly closed circle of his entourage—men like the Venetians Aluise Priuli and Donato Rullo, Tommaso Stella of Brescia, and the poets Marcantonio Flaminio and Vittoria Colonna. Nobility of character, a genuine humanity, and a highly cultivated mind made of Pole an agreeable colleague for the two Italians who were entrusted with the leadership of the Council. It may be that a more important role would have been allotted to this single representative of foreign nations in the College of Legates had the German Protestants put in an appearance at Trent, or if the English question had been broached. In that event it would have been seen that, by reason of his interpretation of the schism, as well as his views on reform, Pole and Contarini were kindred spirits—as a matter of fact Pole had signed the famous reform programme of 1537 at the same time as the latter. We shall have to revert to the motives which led him to leave Trent and to lay down the legatine dignity. But even at this time, in the first days of February 1546, the Florentine agent in Venice, Pandolfini, claimed to have heard that in one of the ordinary conferences of the legates Pole had energetically protested against any kind of curtailment of free speech, even with regard to the Roman Curia, on the grounds that it was not lawful to set up barriers against the will of the Holy Ghost at the Council. One is inclined to regret that this devout, refined and cultured man—whose name evokes for many the memory of his countryman, Newman, and over whose head the tiara was to hover for a moment at the conclave of 1549, did not assert himself more and that he should have left Trent so soon, as early in fact as the end of June 1546.

Contrary to what occurred during the third period of the sessions, during which the tensions within the College of Legates affected the guidance of the Council most adversely, the harmony between the legates was never disturbed at this time. Better than Ludovico Simonetta later on, Cervini knew how to take advantage of the confidence the Pope placed in him, without any breach of his loyalty to his colleagues.² His numerous separate reports prove his solidarity with both

² For Del Monte's and Cervini's share in the legatine correspondence see J. Müller in *Z.K.G.*, XLIV (1925), pp. 418 ff. For Severoli's reports see below, CH. XIV. Farnese's request to the Bishop of Bitonto to report, in *C.T.*, VOL. X, p. 337, n. 7; the one addressed to the Bishop of Albenga is mentioned, *ibid.*, p. 790, l. 39; allusion by the legates to the other clandestine reporters, *ibid.*, pp. 343, l. 2; 352, l. 38; 354, l. 12; 392, l. 6; and VOL. I, p. 393, l. 26. Report of the Bishop of Motula, *C.T.*, VOL. X, pp. 500 f., 532 f.; of the Bishop of Belcastro, *ibid.*, pp. 469 f., and repeatedly. It was natural that

his colleagues on all points of importance. Danger was more likely to come from another quarter. The fact was that, besides the official reports of the legates, letters from other members of the Council also reached Rome and these were not invariably as objective and restrained in their judgments as were the reports of the promoter of the Council, Severoli, to Cardinal Farnese. The legates were well aware that men like the Greek Zanettini and the Roman Giacomelli, from perfectly transparent motives, were pressing their reports and their advice upon the Pope. However, under Paul III these rival reporters never became a real danger to the unity of direction of the Council. Rome took cognisance of their information—they were heard, but, as far as can be ascertained, they were not listened to. On the other hand, the Pope would not agree to a direct prohibition of private reporting, as Pacheco desired and as would undoubtedly have been in the interest of the Council. He was anxious to have information from as many quarters as possible, but he maintained his full confidence in his legates and stood by them when in the summer of 1546, they were subjected—Cervini more than the others—to heavy attacks by the imperial party. But he also had the satisfaction of hearing his Vicar for the diocese of Rome, Filippo Archinto, pass the following judgment on the activity of the legates, one month after his arrival in Trent—"it was", he declared, "perfectly loyal, extraordinarily prudent and unwearied".

a bishop as politically active as the Bishop of Fano would write frequently. We shall have to refer repeatedly to the letters of Dionisio de Zanettini, Bishop of Melopotamos, part of which has already been printed by Buschbell in *Reformation und Inquisition*, pp. 246-65. Archinto's opinion of the legates, *C.T.*, VOL. x, p. 760, n. 3 (18 December 1546); Pacheco's opinion: "utinam a nullo alio quam a R^mis legatis ea quae hic geruntur, in Urbem scriberentur", *C.T.*, VOL. I, p. 486, l. 24.

CHAPTER II

Scripture and Tradition

A COMPROMISE had been arrived at by the Council on the resolution of 22 January. The decision to discuss dogma and reform simultaneously would not be embodied in a decree, but in practice it would be adhered to. If the legates' proposal to link the negotiations about reform with the dogmas then under examination was adopted, the direction of the discussions fell to them. However, even now no firm programme, approved by the Pope, for their sequence, was as yet in existence.¹ As

¹ For the origin of the decree of *Sessio IV* on Scripture and Tradition, see K. D. Schmidt, *Studien zur Geschichte des Konzils von Trient* (Tübingen 1925), pp. 125-209; A. Maichle, *Der Kanon der biblischen Bücher und das Konzil von Trient* (Freiburg 1929); H. Jedin, *Seripando*, vol. 1. (Würzburg 1937), pp. 311-25 (Eng. edn. pp. 268-82); G. M. Giurato, *La tradizione nella IV Sessio del Concilio di Trento* (Vicenza 1942); J. Salaverri "La tradición valorada como fuente de la revelación", *Estudios eclesiásticos*, xx (1946), pp. 33 ff.; E. Ortigués, "Écriture et tradition apostolique au Concile de Trente", *Recherches de science religieuse*, xxxvi (1949), pp. 271-99; W. Koch, "Der Begriff *traditiones* im Trienter Konzilsdekret in *sessio IV*", *T.Q.*, cxxxii (1952), pp. 46-61; 193-212. For the antecedents of the principle of Tradition, see A. Deneffe, *Der Traditionsbegriff* (Münster 1930); J. Ranft, *Der Ursprung des katholischen Traditionsbegriffs* (Würzburg 1931); P. Smulders, "Le mot et la conception de tradition chez les pères", *Mélanges Jules Lebreton*, vol. 1. (1951), pp. 41-62; E. Flesseman Van Leer, *Tradition and Scripture in the early Church* (Assen 1954); H. Grass, *Die katholische Lehre von der Heiligen Schrift und von der Tradition* (Lüneburg 1955); J. Beumer, "Das katholische Schriftprinzip in der theologischen Literatur der Scholastik bis zur Reformation", *Scholastik*, xvi (1941), pp. 24-52; J. Lodrigger, "La notion de tradition dans la théologie de Jean Driedo", *Ephem. theol. Lovan.*, xxvi (1950), pp. 37-53; G. Filograssi, "Tradizione divino-apostolica e Magistero della Chiesa", *Gregorianum*, xxxiii (1952), pp. 135-67. For a judgment on the discussion of the anathema see A. Lang, "Der Bedeutungswandel der Begriffe *fides*, *haeresis* und die dogmatische Wertung der Konzilsentscheidungen von Vienne und Trient", *Münchener Theol. Zeitschr.*, iv (1953), pp. 133-46; P. Fransen, "Reflexions sur l'Anathème au Concile de Trente", *Ephem. theol. Lovan.*, xxix (1953), pp. 657-72.

For the antecedents and the history of the Vulgate decree see H. Höpfl, *Kardinal Sirlets Annotationen zum N.T.* (Freiburg 1908); *id.*, *Beiträge zur Geschichte der Sixto-Klementinischen Vulgata* (Freiburg 1913), pp. 1-43; W. Koch, "Der authentische Charakter der Vulgata im Lichte der Trienter Konzilsverhandlungen", *T.Q.*, xcvi (1914), pp. 401-21; 542-72; xcvi (1915), pp. 225-49, 529-49; A. Maichle, *Das Dekret De editione et usu s. librorum* (Freiburg 1914); H. Rongy, "La Vulgate et le Concile de Trente", *Revue eccl. de Liège*, xix (1927/28), pp. 19 ff.; H. Jedin, *Seripando*, vol. 1, pp. 325-41 (Eng. edn. pp. 283-301); R. Draguet, "Le maître louvaniste Driedo inspirateur du Decret de Trente sur la Vulgate", *Miscellanea Albert de Meyer* (Louvain 1946), pp. 836-54; J. M. Vosté, "La Volgata al Concilio di Trento", *La Bibbia e il Concilio di Trento* (Rome 1947), pp. 1-19; A. Allgeier, "Das Konzil von Trient und das

late as 4 February the legates spoke of their intention of starting with the dogma of original sin, but on 7 February, on the strength, perhaps, of a theological opinion they had sought, they decided to give precedence to the discussion of the formal principle of faith while the general congregation of the following day would establish the principle of the Scriptures of both Testaments as "the necessary basis" of their dogmatic labours. This basis, they said, was necessary because the canonicity of certain books of the Bible had been called in question, but this procedure would also provide an opportunity for building up into a connected whole the Tradition of the Church and the decisions of the General Councils. Moreover, they would be faithful to the decision of 22 January if they discussed the abuses that had crept into the practical use of the Scriptures.¹ In accordance with this proposal the general congregation of 8 February,² after a brief debate, decided to establish, first by means of particular congregations, and then in the weekly general congregation, usually held on Friday, "which Scriptures were part of the canon and which were not". Particular congregations were a recently introduced innovation in the working of the Council. The members of the Council entitled to a vote had been split up into three groups (classes), each of which met under the presidency of one of the legates at the latter's residence. The idea appears to have originated with Del Monte. On the legates' proposal a decision to that effect had been arrived at in the general congregation of 20 January, in spite of the fear expressed by Cardinals Madruzzo and Pacheco that business would be thereby unduly complicated. Immediately before the third Session, on 2 February, the three "classes" had held their first meeting and in these smaller groups the legates had succeeded in lessening the opposition to the suppression of the decree concerning the

theologische Studium", *H. J.*, LII (1932), pp. 313-39; *id.*, "Ricardus Cenomanus und die Vulgata auf dem Konzil von Trient", in Schreiber, *Weltkonzil*, VOL. I, pp. 359-80.

For the interpretation and the effects of the Vulgate decree see S. Muñoz Iglesias, "El decreto tridentino sobre la Vulgata y su interpretación por los teólogos del siglo XVI", *Estudios bíblicos*, v (1946), pp. 137-69; R. Criado, "El Concilio de Trento y los estudios bíblicos", *El Concilio de Trento* (Madrid 1945), pp. 255-91; B. Emmi, "Il decreto tridentino sulla Vulgata nei commenti della prima polemica protestantico-cattolica", *Angelicum*, xxx (1953), pp. 107-30.

¹ *C.T.*, VOL. x, p. 361, l. 7 (4 February): plan to start with original sin; change of plan on 7 February, *ibid.*, x, p. 373; Cervini's comment, *ibid.*, p. 379, l. 23. The Pope's subsequent approval, *ibid.*, p. 384, l. 22. The influence of the memorial, *C.T.*, VOL. XII, p. 448, appears from the fact that there we meet for the first time with the legates' remark—repeated more than once—that "the weapons must first be got ready".

² General congregation of 8 February 1546: *C.T.*, VOL. I, pp. 28 f. (Severoli); *ibid.*, pp. 477 f. (Massarelli III); VOL. v, p. 3 (acts); VOL. x, pp. 373 f. (legates' report); VOL. II, p. 379 (Pratanus). On Cervini's class of 11 February 1546 see VOL. v, pp. 4-7.

programme. They promised themselves a considerable easing of the conduct of the Council from this grouping of its members into three relatively small discussion-circles, for while they themselves were able to proceed in accordance with a common plan, the opposition was divided and a single opponent, however skilful, would not carry the same number with him as in a general congregation.¹ By a free exchange of opinion a more thorough examination of problems was rendered possible. On the other hand it could hardly be denied that in this way the proceedings would be further dragged out since in the particular congregations the discussion turned on the identical subjects that were to be treated in the general congregation. Cardinal Farnese accordingly openly declared that he saw no advantage in the new arrangement. A number of members of the Council shared his opinion and would have preferred the formation of a commission for each of the several tasks the Council had to deal with.

In the composition of these classes² the legates had carefully seen to it that their followers and their opponents should be pretty evenly balanced and that the men from beyond the Alps should not preponderate. Thus Cervini's group comprised—besides Pacheco, who as a rule had himself replaced by the Franciscan Alfonso de Castro—the Spanish Bishops of Palermo, Astorga and Castellamare, as well as the Archbishop of Aix, who was the spokesman of the French, but the legate had the support of such excellent prelates as the Bishops of Feltre and Fano and of the general of the Augustinians, Seripando. Del Monte had taken Madruzzo into his class—before long the latter went over to that of Pole—as well as those two difficult characters, the Bishops of Fiesole and Chioggia, but he had carefully reinforced his adherents (the Bishops of Matera, Bitonto, the auditor Pighino, and Severoli) by the Dominican theologians Ambrosius Catharinus and Domíngo³ Soto. The English Cardinal Pole gathered around his person

¹ *C.T.*, VOL. I, pp. 378, l. 1; 385, l. 27; 392, l. 22; VOL. X, p. 378, l. 8; Saraceni's arguments, *C.T.*, VOL. X, p. 340, l. 8; Farnese's rejection, *ibid.*, p. 371, l. 30; Del Monte's apology, VOL. I, p. 28, l. 40; the proposals by Anonymous to proceed "per la via de deputati", instead of classes, VOL. X, p. 388, l. 17.

² A comparison of the membership of the classes, *C.T.*, VOL. IV, p. 574 (2 February) and VOL. V, p. 38 (23 March) shows that several changes of personnel were made, e.g. Madruzzo passed from Del Monte's class to that of Pole. Moreover from the very beginning Del Monte's class included theologians who had no vote (according to *C.T.*, VOL. I, p. 489, l. 27 they were Ambrosius Catharinus and the Minorite Hieronymus Lombardellus). It is important to note this. In a conversation with Massarelli on 23 February, Pacheco suggested that yet more theologians, especially Spanish and French ones, should be admitted—men like Carranza, Castro and Richard of Le Mans, *C.T.*, VOL. I, p. 489, l. 25.

the bishops of northern Europe, those of Upsala, Armagh and Worcester.

We can only get a very imperfect picture of the manner in which these classes functioned because Cervini alone had a record of the negotiations drawn up by his secretary Massarelli. What happened in the other classes we only learn from the summary accounts in the general congregations. Only this much is certain—the particular congregations did not come up to the expectations that were entertained at the time of their introduction. They were given up at the end of two months.

The discussion of the canon of Scripture, which began in the general congregations of 12 and 15 February,¹ showed that there was a unanimous desire to take up the canon of Holy Scripture within the limits within which the decree of the Council of Florence of 4 February 1441 for the reunion of the Jacobites, had circumscribed it. Two questions were to be debated, namely, should this conciliar decision be simply taken over, without previous discussion of the subject, as the jurists Del Monte and Pacheco opined, or should the arguments recently advanced against the canonicity of certain books of the Sacred Scriptures be examined and refuted by the Council, as the other two legates, with Madruzzo and the Bishop of Fano, desired? The second question was closely linked with the first, namely should the Council meet the difficulties raised both in former times and more recently, by distinguishing different degrees of authority within the canon?

With regard to the first question the legates themselves were not of one mind. In the general congregation of 12 February, Del Monte, taking the standpoint of formal Canon Law, declared that the Florentine canon, since it was a decision of a General Council, must be accepted without discussion. On the other hand Cervini and Pole, supported by Madruzzo and a number of prelates familiar with the writings of the reformers and the humanists, urged the necessity of countering in advance the attacks that were to be expected from the Protestants by consolidating their own position, and of providing their own theologians with weapons for the defence of the decree as well as for the instruction of the faithful. However, their efforts were in vain; in fact Pacheco, who shared Del Monte's view, proposed in the general congregation of 15 February to

¹ General congregations of 12 and 15 February 1546: *C.T.* VOL. I, pp. 30 ff. (Severoli); 478 ff. (Massarelli *III*); VOL. V, pp. 7-10; VOL. X, pp. 378 f., 382 f. For examples from Church history for the discussion of dogmas already defined, chiefly quoted by Cervini, see *C.T.*, VOL. I, pp. 479, l. 31, to 480, l. 18.

prevent any future discussions whether this or that book was part of the canon by adding an anathema to the decree, that is, by declaring it an article of faith. The discussion was so obstinate that there remained no other means to ascertain the opinion of the Council than to put the matter to the vote. The result was that twenty-four prelates were found to be on Del Monte's side, and fifteen (sixteen) on the other.¹ The decision to accept the Florentine canon *simpliciter*, that is, without further discussion, and as an article of faith, already contained the answer to the second question.

This question was not only a matter of controversy between Catholics and Protestants: it was also the subject of a lively discussion even between Catholic theologians. St Jerome, that great authority in all scriptural questions, had accepted the Jewish canon of the Old Testament. The books of Judith, Esther, Tobias, Machabees, Wisdom and Ecclesiasticus, which the majority of the Fathers, on the authority of the Septuagint, treated as canonical, Jerome described as apocryphal, that is, as not included in the canon though suitable for the edification of the faithful. In this opinion he was followed by Luther, but in the preface of his translation of the New Testament, Luther had gone further when he recommended that the reader "discriminate wisely between the various books and so decide which are the best".² These according to him, are the gospel of St John, the epistles of St Paul with the exception of Hebrews, 1 Peter and 1 John, but St James's epistle he describes as an epistle of straw—"Sankt Jacobs Epistel eyn rechte stroern Epistel", by comparison with the Pauline letters. In this question of the canon Luther was merely a pupil of Erasmus, who followed his beloved Jerome; but so did Cardinal Cajetan who, in his commentaries on the New Testament, had discussed the authenticity of the Epistle to the Hebrews, the Apocalypse and the short Catholic Epistles, and in doing so had erroneously identified authenticity with canonicity. The general of the Franciscans Observant, Calvus, dealt

¹ Severoli, *C.T.*, VOL. I, p. 32, l. 42, clearly shows that the result of the vote of 15 February relates to the addition of the anathema and not, as Massarelli endeavours to prove, *ibid.*, p. 480, l. 42, to the acceptance without discussion of the Florentine canon; above all, and contrary to what the acts, VOL. V, p. 10, ll. 1-6, seem to hint at, not to a distinction of various degrees of authority. Of a "private research" by individual Fathers of the Council for the purpose of confirming the Florentine canon, as had been recommended at the general congregation, VOL. I, p. 480, l. 44, one hears very little, but later discussions show that there was a real attempt to demonstrate the conciliar character of that decree, VOL. X, p. 399.

² Preface to the New Testament of 1522, *Luthers Werke*, W. A. Deutsche Bibel, VOL. VI, p. 10.

thoroughly with the problems raised by Cajetan in a tract drawn up for the purposes of the Council.¹ He defended the wider canon, and in particular the canonicity of the book of Baruch, the story of Susanna, that of Bel and the dragon, and the canticle of the three children (*Benedicite*). On the other hand, he refused to accept the oft-quoted *Apostolic Canons* as authoritative for the canonicity of the third book of Machabees. The general of the Augustinians, Seripando, on the contrary, was in sympathy with Erasmus and Cajetan and sought to harmonise their views with the Florentine decree on the ground that the protocanonical books of the Old Testament, as "canonical and authentic", belong to the *canon fidei*, while the deuterocanonical ones, as "canonical and ecclesiastical books", belong to the *canon morum*.² Seripando, accordingly, follows the tendency which had made itself felt elsewhere also in pre-Tridentine Catholic theology, which was not to withhold the epithet "canonical" from the deuterocanonical books, yet to use it with certain restrictions.

The tracts of the two generals of Orders show that opinions diverged widely even within the Council. The prestige of the Augustinian general and that of the Bishop of Fano who sided with him, may have prompted Cervini to discuss the whole complex question in his class. It became evident that no one supported the subtle distinction between a *canon fidei* and a *canon morum*, though it met with a somewhat more favourable reception in the general congregation of 12 February when several of the Fathers deemed it useful, though not necessary. The majority agreed with the opinion of the general of the Servites, that controverted theological questions, which had already been the subject of discussion between Augustine and Jerome, should not be decided by the Council but should be allowed to remain open questions. The result of the above-mentioned vote of the general congregation of 15 February committed the Council to the wider canon, but inasmuch as it abstained from a theological discussion, the question of differences between books within the canon was left as it had been. Massarelli, however, expressly affirms that the corresponding expression "with equal authority" (*pari auctoritate*) was not at that time given the force of a formal decree.³

¹ The tractate of Johann Calvus: *Apologia pro libris canonicis*, C.T., VOL. XII, pp. 473-83.

² Seripando's tract *De libris S. Scripturae*, C.T., VOL. XII, pp. 483-96; cf. Jedin, *Seripando*, VOL. I, p. 314 ff. (Eng. edn. p. 271 ff.).

³ Massarelli, C.T., VOL. I, p. 481, l. 5, speaks of "*pari auctoritate*"; the legates' report has "*in pari grado et autorità*", VOL. X, p. 382, l. 30.

The assembly's standpoint, therefore, was that it was not necessary and not even useful, for the Council as such to defend the Florentine definition against certain modern opinions and to reinforce it with timely arguments.

Vastly different, however, was its position with regard to the question of Tradition which the Lutheran principle of "the Bible alone" eliminated as a source of revelation. On the other hand there is no denying that Luther accepted the creeds of the ancient Church as being in accordance with the Scriptures and to that extent set himself in the continuing dogmatic tradition of the Church—but with the reservation: "in so far as it conforms with the Scriptures". This characteristic he denied to the medieval expression of the Church's dogma and thereby deprived his original statement of all value. The fight against "tradition" as "human statutes" occupied a large place in his polemics. The decisive point was whether the Church—not a conceptual and invisible Church, but the Church as a concrete reality, in which he lived—was or was not guided by the Holy Spirit. Luther answered this question in the negative and by so doing deprived himself of the possibility of a genuine dogmatic tradition, for tradition without a bearer is unthinkable. As early as 1533 the theologian John Driedo of Louvain had understood this "active" tradition, in the sense of a handing on of the substance of the faith, as actually identical with the Church's authority. Any discussion of the principle of tradition was bound to lead to a discussion of the Church's authority, and this all the more surely as the fight against the "human statutes" in the Church—an attack based on the principle of the Scriptures—became more and more fierce. There was a danger of the difference between dogmatic tradition and the Church's institutions in regard to worship and discipline, which are based on her authority, becoming obliterated. In their reports of 7 and 11 February, as well as in the general congregation of 12 February, the legates always spoke impartially of "ecclesiastical tradition" and of the "tradition of the Church". Although from the first they had dogmatic tradition in mind, as we gather from the first of the two reports mentioned above, the formula in which they chose to express their view was all too calculated to give rise to misunderstandings. Their language was much clearer in the note which informed the members of the Council of the programme for the particular congregation of 18 February. The question, it said, was to decide now whether they should first discuss the "Apostolic Tradition" (in the singular), or the abuses which had crept into the use of Holy Scripture in the

Church.¹ In spite of this more precise statement there was talk once more in Cervini's class of traditions (in the plural), in fact the Bishop of Belcastro and the Franciscan theologian Alfonso de Castro who represented Pacheco at the meeting formally demanded that the ecclesiastical traditions should be included in the discussion. The Bishop of Fano proposed that to the decree about the canon of Scripture that was being planned an addition should be made to the effect that the Church receives "what is revealed by the Holy Ghost in the Scriptures and the traditions". This proposal and Cervini's concluding remarks were both calculated to drag the authority of the Church's teaching office into the debate. On the question of procedure, Cervini's class certainly decided for the priority of the debate about tradition before that of the abuses, and Del Monte's and Pole's classes probably acted in like manner. If some of those from beyond the Alps (Aix, Castellamare, and the Jesuit Lejay) urged the priority of the abuses, their arguments may have been inspired by a suspicion that, contrary to the order fixed in January, their discussion would be suppressed. Before submitting the problem of tradition—and the question of procedure—to the general congregation, the legates convened a conference of the theologians of the Council for 20 February. The Bishop of Astorga had very properly pointed out that they had to be called in the name of the Council, for the purpose of clarifying pending questions. The problem of tradition was a very complex one, but the deliberate dropping of a discussion of the problems connected with the canon did not wholly satisfy Cervini in particular. Originally the congregation of theologians of 20 February was only regarded as a first attempt to integrate the scholars present at Trent in the routine of conciliar business. In these congregations the theologians were to be the only speakers, the prelates' role was to be exclusively that of listeners and spectators, in order that they might grasp the trend of their problems. These men were given the title of *theologi minores*, not because they had less knowledge but because they were in a lower rank

¹ The variations in the description of the principle of tradition deserve the most careful attention: in *C.T.*, VOL. I, p. 30, l. 8; VOL. X, pp. 373, l. 15; 377, l. 35, there is question of ecclesiastical tradition, viz. the tradition of the Church. The *scheda* for the particular congregation of 18 February has "traditio apostolica", in the singular, *C.T.*, VOL. I, p. 481, l. 17; on the other hand, in the general congregation of 26 February, the legates use the plural, *ibid.*, p. 33, ll. 19 and 25, while the Bishop of Fano uses the term in yet another sense, VOL. V, p. 10, l. 30. Particular congregation of 18 February 1546: *C.T.*, VOL. V, pp. 10 f.; VOL. I, p. 33; VOL. X, pp. 386 f. In their letter to the nuncio at Venice, 13 February, Bibl. Ricci, 4, fols. 61^r-62^r, or, the legates thus describe their programme: "Perche nel Testamento nuovo non fù scritto ogni chosa, si fara mentione della traditione apostolica almeno in genere."

and were not numbered among the conciliar Fathers entitled to a vote. With one exception the twenty-seven theologians, who on 20 February met for the first time, were members of the five mendicant Orders. It would be an exaggeration to describe them as the *élite* of contemporary theologians, but the list contains famous names such as the Dominican Ambrosius Catharinus, whom the Pope himself had sent to Trent and whom we have already met in the capacity of conciliar preacher; the Dominican Bartolomeo de Miranda, better known under the name of Carranza, the future Archbishop of Toledo. The Franciscans were represented by their theological luminaries—Alfonso de Castro and Andreas de Vega, as well as by two members of the Sorbonne, Richard of Le Mans, guardian of the Paris convent, and Jean du Conseil (Consilii). The five Franciscans Conventual included the prolific theological writer Giovanni Antonio Delfino, while the three Augustinians were inspired by the superior genius of their general, Seripando. One of the two Servites present was the shrewd Lorenzo Mazochi who was to create so great a stir in the course of the debate on justification.¹

It is impossible to ascertain which points of view decided the selection of the theologians. The likeliest surmise is that at least as far as the legates were concerned, no conditions for admission were laid down. We may presume that it was left to the generals of Orders to see to it that their respective Orders were appropriately represented.

¹ For the theological schools in general see H. Lennerz, "Das Konzil von Trient und theologische Schulmeinungen", *Scholastik*, IV (1929), pp. 38-53, with lists of adherents to different schools; *id.*, "De congregationibus theologorum in concilio Tridentino" *Gregorianum*, XXVI (1945), pp. 7-21. From the almost limitless literature on the participation of the Orders in the Council, more especially that of their theologians, the following may be mentioned: V. D. Carro, *Los Dominicos y el Concilio de Trento* (Salamanca 1948); A. Walz, "Elenco dei Padri e teologi domenicani nel Concilio di Trento", *Angelicum*, XXII (1945), pp. 31-9; *id.*, "Gli inizi domenicani al Concilio di Trento"; *Il Concilio di Trento*, I (1942-3), pp. 210-24, continued pp. 368-76, and II (1947), pp. 47-57. Franciscans Conventual: G. Odoardi, "I francescani minori conventuali al Concilio di Trento", *Il Concilio di Trento*, I (1942-3), pp. 298-311; II (1947), pp. 21-46; Franciscans Observant: G. M. Pouy y Marti, "I frati minori nel primo periodo del Concilio", *ibid.*, I (1942-3), pp. 201-10; A. Varesco, "I frati minori al Concilio di Trento", *Archivum Franciscanum hist.*, XLI (1948), pp. 88-160; B. Oromí, "Los franciscanos españoles en el Concilio de Trento", *Verdad y vida*, III (1945), pp. 99-117, 275-324, in book form, Madrid 1947. Hermits of St Augustine, D. Gutiérrez, "Los Agostinos en el Concilio de Trento", *Ciudad de Dios*, CLVII (1946), pp. 385-499. Carmelites: S. Seiger, "Carmelitae in Concilio Tridentino", *Analecta Ordinis Carmelitarum*, XXXIV (1944), pp. 147-66; Lucinio del SS Sacramento, "Los Carmelitas en Trento", *Verdad y vida*, III (1945), pp. 174-92; Gabriel a Virgine Carmeli, "Die Karmeliten auf dem Konzil von Trient", *Ephemerides Carmelitanae*, XXII (1950), pp. 291-359. For all the Orders represented at Trent, see P. Cherubelli, *Il contributo degli ordini religiosi al Concilio di Trento* (Florence 1945).

When at the beginning of March the legates decided to make of the congregations of theologians a regular institution which would be convened at least twice a month, Massarelli expressly notes that all the theologians then present at Trent were invited. It is true that among the acts of the Council we find an order for the admission to these congregations and their business procedure,¹ but one look at the list of those present suffices to show that it was not authoritative from the beginning. Thus, for instance, it presupposes the presence of a considerable number of theologians from the ranks of the secular clergy whereas among the theologians who spoke on 20 February there was only one secular priest, Juan Morilla, Cardinal Pole's chaplain. There was no obligation for the prelates entitled to a vote to attend the meeting, but "nearly all" made use of their right to do so.

The first congregation of theologians lasted over four hours, but we know next to nothing about its course. Since this was only a trial run the legates had given no instructions for a protocol to be drawn up, and as none of the participants has left any notes, Sarpi's interesting information on the statements of the Franciscan Lunello and the Carmelite Marinarius—in view of the notorious unreliability of that historian—is very much in the air.² However, at the beginning of the second congregation of theologians, on 8 March, Del Monte assured those present that their first public appearance had given the bishops the greatest satisfaction.

But even the congregation of theologians did not definitely clarify the concept of tradition; if it had done so it would be even more

¹ *C.T.*, VOL. XII, p. 451. According to Massarelli, *C.T.*, VOL. I, p. 510, l. 12, "omnes theologi ordinum caeterique doctores, qui in hac civitate praesentes sunt", were invited to the assembly in the great hall of the Palazzo Prati. Though Seripando's note on the conference of the generals of Orders on 9 February, *C.T.*, VOL. II, p. 432, l. 25, gives no details, it is not unreasonable to surmise that the plan for congregations of theologians was discussed. This was actually objected to by some members of the Council; it would be better, it was said, if the theologians gave their opinion only in writing: "altri dissono che era meglio havere li pareri loro in scritto et poi examinarli tra loro prelati", *Avviso* from Trent, 13 February 1546, State Arch. Florence, *Med.* 2966, fol. 162.

² Theologians' congregation of 20 February 1546: *C.T.*, VOL. V, pp. 11 f.; VOL. X, p. 394, l. 44. For Sarpi's account see S. Ehses, "Hat P. Sarpi für seine Geschichte des Konzils von Trient aus Quellen geschöpft die jetzt nicht mehr fließen?" in *H.J.*, XXVI (1905), pp. 299-313. Ehses's arguments to prove that Sarpi invented the votes of Lunello and Marinarius, taking the material from the votes of Alfonso de Castro in the particular congregation of 18 February, and that of the Bishop of Chioggia in the general congregation of the 26th, are not cogent; cf. H. Jedin, *Das Konzil von Trient, Ein Überblick über die Erforschung seiner Geschichte* (Rome 1948), pp. 83 ff.; see also CH. XIV below.

difficult to understand how in the particular congregation of 23 February,¹ the Bishop of Pienza could speak of the possibility of including "ceremonies" in the concept of tradition and that even Alfonso de Castro could have suggested the addition to the decree on Holy Scripture of the following clause: "Besides these holy books many more things must be received that are not set down in writing but which are observed in virtue of the Church's authority."

The Jesuit Lejay, who had a consultative voice in his capacity of proctor of the Cardinal Archbishop of Augsburg, must be credited with the merit of preparing the way for a sharp distinction between dogmatic traditions (*quae ad fidem pertinent*) and all the others. In his concluding remarks Cervini accordingly underlined the fundamental significance of this distinction but added yet another observation occasioned by the course of the debate. The Bishops of Sinigaglia, Castellamare, Belcastro and Astorga had expressed a wish that the number of the apostolic traditions should be counted or that at least a few of them should be mentioned by name. The jurist Campeggio immediately uttered an urgent warning against such a course and Cervini gave him his support, on the ground that here there was question of the principle of tradition—which dogmas rested on it could only be decided when the Council began to discuss its definition.

The temptation to draw up a catalogue of the traditions, or at least to provide samples, or proofs of their existence, was actually very great. For two decades, with an appeal to the principle of "the Bible alone", both doctrine and worship had been altered in a reformational sense. Was it not advisable, nay was it not necessary, to produce concrete instances, if the principle of tradition was asserted? Present at the Council was a layman in theology, Count Lodovico Nogarola, of Verona, an intimate friend of Cardinals Madruzzo and Gonzaga and who, thanks to the former's influence had actually preached before the Council on 26 December 1545. This lay theologian submitted to the legates a dissertation entitled *Institutiones apostolicae* which was soon afterwards printed. It contained a list of no less than thirty-four apostolic traditions, including, for instance, the Apostles' Creed, the sign of the cross, the observance of Sunday, infant baptism, auricular confession, and so

¹ Particular congregation of 23 February 1546: *C.T.*, VOL. V, pp. 13 f.; VOL. I, p. 33; Massarelli's account, VOL. I, pp. 489 f., shows that the order of the day had been agreed upon at the legates' conference in the morning. For the legates' reports see *C.T.*, VOL. X, p. 395. The treatise in VOL. XII, pp. 522 f., *De traditionibus*, is probably by Lejay.

forth.¹ However, the count can hardly be blamed for mixing up dogmatic and disciplinary traditions, for even in the collection of passages from Scripture and the Fathers on the principle of tradition which Cervini had had read in his class, as well as in the tracts of the Bishop of Motula and the general of the Augustinians on the subject of traditions, all of which had been composed in those days, the frontiers between dogmatic and disciplinary, apostolic and ecclesiastical traditions were not sharply drawn.²

Conclusive evidence that even the legates only came to appreciate the problem as well as the bearing of the principle of tradition in the course of the debate is furnished by their report to Farnese, dated 21 February 1546,³ in which they pose this alternative: should the discussion of the "unwritten tradition" be followed by that of the wide field of ecclesiastical traditions, particularly the authority of the canons of the Councils—that is, Should a theological methodology be built up? Or, once the formal dogmatic principle had been accepted (Creed, Holy Scripture and Apostolic Tradition), should they turn at once to the discussion of the articles of faith and the doctrine of the Trinity, creation, original sin, redemption and justification? A fortnight earlier they had not considered this possibility. If it were realised it would be an easy thing, in accordance with the decision of 22 January, to treat of dogma and reform side by side, though in that case there was the risk that the ecclesiastical traditions would prove a pretext for broaching the subject of the abuses at the Curia. The adoption of the second alternative would almost certainly lead to the discussion of reform being put on one side, at least for a time, for it could not be said that there were ecclesiastical abuses which were in any way connected with the dogmas of the Trinity and creation—quite apart from the fact that there was no controversy on these subjects. Rome would thus gain time in which to carry out the reform of the Curia, planned but put off again and again, and thus rid the Council of this apple of discord: a consummation the desirability of which Cervini had urged time and again. Their painful experience in January had taught the legates a lesson. They accordingly prayed for a prompt and clear answer to their question as well as

¹ H. Jedin, "Un laico al Concilio di Trento: il Conte Lodovico Nogarola", *Il Concilio di Trento*, I (1942-3), pp. 25-33, where the previous work of Druffel is taken into account, see also CH. XII below.

² Cervini's collection of examples in *C.T.*, vol. v, pp. 14 ff., and the anonymous collection in vol. XII, pp. 526 ff.; Seripando's tract, *ibid.*, pp. 517-21; that of the Bishop of Motula, *ibid.*, pp. 524 ff.

³ The legates' report of 21 February 1546, *C.T.*, vol. x, pp. 393 f.

some hint about the *tempo* in which the negotiations should be pushed forward.

In a second letter dated 24 February but which was only despatched together with the first, the legates were already able to report on the result of the particular congregations of 23 February. These meetings had led to an agreement on the formation of a decree-committee to be composed of two members of each class, one a theologian and the other a canonist. In this respect also the legates had learnt that it was advisable not simply to appoint a commission, but to leave the choice of its members to the Council. Acting on the proposals made in the three classes, the general congregation of 26 February¹ chose the Archbishops of Sassari and Matera from Del Monte's class, the Bishops of Belcastro and Feltre from Cervini's, and the Archbishop of Armagh and the Bishop of Badajoz from that of Pole. In the discussion which preceded the election nothing came to light that had not already been examined in the "classes". The Archbishop of Sassari insisted on the ecclesiastical traditions being reckoned with the apostolic ones, lest an impression should be given that they were being rejected, while the Bishop of Sinigaglia once more demanded the listing of individual traditions. However, the majority declined to adopt either of these suggestions. The only new thing was that the Bishop of Chioggia questioned the principle of tradition as such, in the sense in which the majority understood it; were not all doctrines necessary for salvation to be found in the Scriptures?—One almost imagines Luther speaking as one listens to this Italian bishop's earnest warning against putting the traditions—so irksome for the Christian people—by the side of Scripture. In any case a detailed discussion of the principle of tradition cannot be suppressed, as was done for the canon of Holy Scripture on the pretext of the Florentine definition.

It is astonishing that Giacomo Nacchianti's² bold speech was not

¹ General congregation of 26 February 1546: *C.T.*, VOL. I, pp. 33 ff. (Severoli); *ibid.*, pp. 493-7 (Massarelli *III*); VOL. V, pp. 18-21; VOL. X, pp. 398 f. The Bishop of Castellamare, like the Bishop of Astorga, complained of the slow progress of the negotiations in a letter to Cosimo dated 20 February 1546, State Arch. Florence, *Med.* 380, fol. 204^r: "Andamos mui adagio." However, the slow advance was not deliberately brought about by the legates, or by Rome, as the Bishop of Castellamare suspected, *see C.T.*, VOL. X, pp. 407, l. 18; 413, l. 7; on the contrary, many among the Fathers felt that the election of the committee was premature. Thus the Florentine agent in Venice, Pandolfini, reported on 3 March, on the basis of information received by him: "pare loro che troppo si sia ito inanti et che si saria dovuto aspettare maggiore numero sopra tale decisione", State Arch. Florence, *Med.* 3966, fol. 176^r.

² Giacomo Nacchianti, a native of Florence, like Bishop Martelli of Fiesole, had entered the famous convent of San Marco in 1518. In spite of Paul III's conflict with

immediately met by sharper opposition. Nacchianti had gone his own way while still a member of the Order of Preachers, before Paul III's favour raised him to the episcopate, to which, as a matter of fact, he was nothing but an honour on account of his zeal in administering his diocese. However, his vote of 26 February brought him into close proximity to the reformers without, for the moment, causing the unpleasant sensation that was to be expected. Cervini singled out for criticism only one point of the vote, the last one, because it contained a grave reflection on the acceptance by the Council of the Florentine canon, a measure taken without discussion. This action was based on the conviction that the Bull of Union for the Jacobites, in which the canonical books are listed, was a conciliar decision—regardless of its form—and as such was covered by the authority of the Council. It is true that already in the general congregation of 15 February the Bishops of Clermont and Cappaccio had declared that they were unable to find the alleged conciliar definition in their "books". We are in a position to state with considerable certainty what "books" these were. They were the two volumes of the acts of the Councils edited in 1538 by the Franciscan Friar Peter Crabbe, in which the acts of the Council of Florence were given on the basis of a Greek collection (by Bartholomew Abraham) and which, for that reason, terminated with the departure of the Greeks after the conclusion of the union, that is, after the seventh Session, whereas in reality the Council continued in Florence for another three years and on 26 April 1442, was translated to Rome. The objection of the two prelates was refuted at the time, though the refutation was not adequately substantiated. Nacchianti now took it up once more. His claim was that the text of the Bull confirmed its non-conciliar character since it did not contain the usual clause "with

the Order he enjoyed the Pope's favour and in 1544 was made Bishop of Chioggia, a city of the lagoons. Even before the opening of the Council he had created a stir by the statement that one must give more credence to the Scriptures than to the Church, *C.T.*, vol. x, p. 173, l. 37. His sharp opposition in the dispute over the title of the Council got his Tridentine host, Madruzzo, into an embarrassing situation. As a result of the incident to be related further on, he was compelled to leave the Council, in fact he even made the acquaintance of the Roman Inquisition. However, in spite of everything he managed to retain his diocese, which he administered with great zeal until 1569. Besides the printed *Opera* (2 volumes, Venice 1567), manuscript writings of his are found in the Vatican Library, *Vat. lat.* 4637-4640, 4657, 4663. Letters of his have been published by G. Vianelli, *Nuova serie de' vescovi di Malmocco e di Chioggia*, vol. II (Venice 1790), pp. 134-60; Earlier literature exploited by Buschbell, *Reformation und Inquisition in Italien* (Paderborn 1910), pp. 155-73; cf. also C. Fischer, "J. Nacchianti O.P., Evêque de Chioggia, et sa théologie de la primauté absolue du Christ", *La France Franciscaine*, xx (1937), pp. 97-174.

the approval of the sacred Council" (*sacro approbante concilio*). However, the remarks of the two prelates on 15 February had led the legates to look into the matter and Del Monte was now in a position to give an accurate account of what had happened, namely, the continuation of the Council of Florence beyond the seventh Session, and above all to provide a striking refutation of Nacchianti's assertion by producing the text of the Bull, for the clause which the latter had failed to find actually appeared in the Bull of Union, not, indeed, at the beginning but in the chief part which contained the definition (the *Dispositio*). More than that—the cardinal was able to boast of having seen the original text of the Bull which was kept in the Castle of Sant' Angelo. With a view to removing every doubt about the authenticity of the clause which appeared in the printed edition of the *Corpus juris canonici*, by displaying the original, Cervini requested his Roman friend Maffeo to forward to him either the original text of the Bull or a duly authenticated copy of it.¹ His request was met at the end of March, but this effort to justify the proceedings of the Council by the irrefutable evidence of documentary proof proved to be the cause of the loss of the original text of this document.²

More vexation than excitement was caused in the general congregation of 26 February when that obstinate critic, the Bishop of Fiesole, complained that the Council did not stand by its own decisions since it did not deal with the abuses at the same time as with the traditions. The Bishop of Bertinoro reminded him that the priority of the traditions had been expressly approved in the particular congregations of 18 February. However, he was not the only one to find fault with procedure for the Bishop of Astorga observed that he was sorry to fritter away time on matters of minor importance—the question of the traditions might be handed over to a committee! This was surely to misjudge completely the whole bearing of the debate. Del Monte, however, took advantage of the occasion thus offered, not indeed to deny the slowness of the course of business, but to lay the blame for it on those prelates who, even when they had nothing new to say, would not refrain from repeating what had been said so often. Even the technique of a conciliar debate was something one had to learn. Or should the legates have interrupted such speakers, or even laid down a time-limit

¹ The dispute about the Council of Florence, *C.T.*, VOL. I, pp. 480, l. 38; 495 f.; VOL. V, pp. 18 ff.; VOL. X, pp. 399 f.

² The original text of the Bull, which according to Cervini had been at Aquila, arrived at Trent together with other despatches of 28 March, *C.T.*, VOL. X, p. 428, l. 32; VOL. I, p. 526, l. 3.

for their speeches? In that case the rumour that the Council was not free would have been bruited throughout every land.

The result of the general congregation of 26 February was that the deputation charged with the drafting of a decree on Scripture and Tradition could enter upon its task. The Council was thus able to turn its attention to the third point of its provisional programme, namely the abuses connected with Holy Scripture. The theme was one of the highest actuality. The study of the original languages of the Bible had been given an extraordinary impetus by Erasmus's Greek New Testament, by the Complutensian polyglot Bible, as well as by Lefèvre, the humanists and the reformers, and had led to lively criticism of the Latin translation in use in the Church, that is St Jerome's Vulgate. Erasmus had himself set a precedent by his edition of Valla's annotations to the New Testament and by adding a new Latin translation to his Greek New Testament. Others, such as Oslander, Petreius, Pellican, had followed his example, and not only the reformers; thus, for instance, the Dominican Santes Pagninus had translated both Testaments from the original text into Latin (1528), the librarian of the Vatican Library, Augustinus Steuchus had corrected the Old Testament in accordance with the Hebrew text—the *hebraea veritas* of St Jerome (1529); and the Benedictine Isidorus Clarius had published an edition of the Vulgate of both Testaments revised in the light of the original text (1542). Criticism of the Vulgate, largely justified though it was, roused its adherents to its defence, as for instance the Franciscan Richard of Le Mans, whose *collationes* on the psalms were printed together with the Paris edition of Peter Lombard's commentary (1541). This criticism was not without consequence for controversial theology for quotations from it were rejected by the opponents who appealed to the original text.

Differences of opinion were even more sharply marked with regard to the translation of the Bible into the vernacular: there was no uniform practice in the Church in this respect. In England, since the days of Wyclif, such translations were strictly forbidden. In Germany, before Luther's time, there existed no less than eighteen printed translations of the whole Bible into German. Luther's translation of the New Testament from the Greek (1522) saw nearly one hundred editions in one decade, and his complete Bible, finished in 1534, had become immensely popular and could not be displaced by the Catholic versions of Emser, Eck and Diätenberger which, it must be admitted, could not be ranked with Luther's as regards language and style. The translation

of the Bible into the language of the people had actually become the pace-maker of the Lutheran reform. It was for this reason that it had been forbidden in France both by the Church, at the provincial Synod of Sens (1528) and by the secular authority, that is by the Parliament of Paris (1543). In Spain a prohibition of this kind had existed since the reign of the Catholic kings. When Antonio Bruccioli published an Italian translation of the Bible at Venice, in 1532, Ambrosius Catharinus expressed his astonishment that such a book, which clearly betrayed the influence of Martin Bucer, could be printed and sold in Italy.¹

Biblical science in transition, the reading of the Bible—a burning problem in the Church's life—this was the background of the reform-debate which opened with the particular congregations of 1 March. The significance which the Fathers of the Council attached to it from the first may be gathered from the fact that a number of them came to the meeting armed with carefully prepared manuscripts.² In Cervini's class the Bishop of Aix, who was the first to speak, outlined four main spheres of debate. In view of the newly published Latin translations he demanded: (1) an emendation of the Vulgate, based on the Hebrew and Greek original texts which, if possible, should likewise be offered in corrected editions, but old Latin translations must also be consulted. (2) The right interpretation of Holy Scripture was to be the task of ecclesiastical authority and of properly trained teachers. (3) The printing of the Bible must be carefully watched by ecclesiastical authority, and the question whether translation into the vernacular is permissible must be gone into. (4) The ministry of preaching must undergo a radical reform. Here was a vast programme, but as if this were not enough, the Bishop of Feltre broached yet another question, that of the reform of those liturgical books by means of which, day by day, the Church experiences the power of the word of God in herself. The reformed Breviary of Cardinal Quiñonez, the so-called Santa Croce Breviary, was gaining ever more ground, not merely because it was

¹ For a preliminary orientation on the new Latin translations and the vernacular Bible, see *R.E.*, vol. III, pp. 36 ff., 59 ff.; *L.Th.K.*, vol. II, pp. 303 ff., 323 ff.; Maichle, *Dekret*, pp. 3-21. I am not taking into account Ambrosius Catharinus's tract, *An expediat scripturas in maternas linguas transferre*, printed in 1552, because it is not certain that it was drawn up before 1546; cf. Schweizer, *Ambrosius Catharinus*, p. 135. T. M. Centi, "L'attività letteraria di Santi Pagnini nel campo delle scienze bibliche", *A.F.P.*, xv (1945), pp. 5-51. For Höpfl's and Allgeier's works on Sirleto and Richard of Le Mans, see p. 52, n. 1.

² Particular congregation of 1 March 1546: *C.T.*, vol. I, pp. 500-7—much fuller than the acts in vol. v, pp. 21-7; Severoli, *C.T.*, vol. I, p. 35, only gives a list of the subjects discussed; the legates' report, vol. x, p. 403, l. 8.

shorter than the Roman Breviary, but likewise because it met an aspiration which the general of the Augustinians summed up in the axiom: "In Missal and Breviary none but the words of Holy Scripture." Seripando moreover demanded that preachers should be prepared for their work by a better training in Biblical exegesis. When he spoke thus, Seripando countered, without naming him, the attack made by the Bishop of Bertinoro, who had spoken before him, on the philological and literal interpretation of Holy Scripture.

In other ways also divergences made themselves clearly felt even thus early. Thus the Bishop of Feltre declared that there could be no objection to the existence, side by side, of several Latin translations on the ground that some were freer while others kept more closely to the text; but Cervini's last words were to the effect that their aim was an approved Latin Bible, revised on the basis of the original languages. On the other hand he readily took up the Bishop of Feltre's suggestion with regard to the reform of Missal and Breviary and even admitted that the pericopes were in need of revision. It goes without saying that a humanist like Cervini would associate himself with Seripando's insistence that an explanation of Holy Scripture should first be sought in Scripture itself (*ex ipso sacrorum librorum fonte*), and only when this had been done should the explanation of the Fathers be appealed to. But the divergence on the subject of translation of the Bible into the language of the people threatened to assume dangerous proportions. The Bishop of Feltre had deprecated it, while the Bishops of San Marco Belcastro and Astorga demanded it all the more vehemently. Cervini proposed the formation of two commissions, one for the study of all questions connected with the training of preachers and the faculties to be imparted to them. Some theologians might also be admitted into this commission. It was to be foreseen that considerable time would be required for the execution of its task. The second commission's task would be to draw up with all possible speed a list of the more serious abuses in the ministry of preaching which could serve as a basis for a conciliar decree. There can be no doubt that Cervini saw the first commission as a study-group whose work would have far-reaching results and which would formulate his own and Seripando's ideas on the place of Scripture in theology and in the pulpit in concrete proposals, whereas the second was to further the demands of the moment, namely the preparation of the reform decree for the forthcoming Session.

The first proposal was simply passed over, but not even the second met with unanimous acceptance. The Bishop of Sinigaglia as well as

the Bishops of Feltre, San Marco, Motula and Astorga desired a reversal of the order, namely, first the listing of abuses, with the co-operation of all the bishops, then the appointment of a commission and finally a debate. It was evident that their intention was to broaden the original basis of the debate and to prevent the exclusion from the discussion of certain groups of questions. Even the legates were surprised by the great complexity and the bearing of the problems that had been raised. In their report to Rome they admitted that many more abuses had been brought to light than they had expected. In a conference held on 4 March they decided to propose to the general congregation the formation of a deputation which would draw up a catalogue of existing abuses and submit proposals for their suppression. The short general congregation of 5 March¹ took the appropriate decision. The choice fell on the Archbishop of Aix, the Bishops of Astorga, Castellamare, Sinigaglia, Cava, Fano and Bitonto, and the general of the Augustinians, Seripando. Three theologians were adjoined to these eight prelates, namely the Spaniard Alfonso de Castro, the Frenchman Richard of Le Mans and the Italian Ambrosius Catharinus. The members of the committee entered upon their labours only after all the theologians present at Trent had spoken in two congregations held on 8 and 9 March, and presumably they made use of the manuscripts of at least some of the theologians in the execution of their task. They submitted the result of their meetings, held between 11 and 13 March at the residence of the Bishop of Fano who had fallen sick, to the general congregation which was twice postponed, the first time in order to await the arrival of the imperial envoy, Francisco de Toledo (15 March), and then because Del Monte had been taken ill (16 March), but which was eventually held on 17 March.²

Their report singled out four abuses and proposed four corresponding remedies. (1) The first abuse, we read—and the wording betrays

¹ General congregation of 5 March 1546, *C.T.*, VOL. I, pp. 35 f. Massarelli corrects the statement of *Diarium III* that Ambrosius Catharinus and Richard of Le Mans were the only ones appointed to the second commission, *C.T.*, VOL. I, p. 509, l. 26; in the acts, VOL. V, pp. 27 f.; the same names occur in the legates' report of 7 March, VOL. X, p. 411, l. 35—For the congregations of theologians on 8 and 9 March we have only the short notices in *C.T.*, VOL. I, p. 510; VOL. V, p. 28; VOL. X, p. 413, l. 9. The theological dissertations in Cod. Ottob. lat. 620, mentioned by Ehses, *C.T.*, VOL. V, p. 28, n. 2, have been published in the meantime, at least in part, in *C.T.*, VOL. XII, pp. 509-17; the last two are certainly votes of the theologians' congregation.

² General congregation of 17 March 1546: *C.T.*, VOL. I, pp. 36 ff., 514; the report of the commission in the acts VOL. V, pp. 29 f., was regarded as harmless by Maffeo, VOL. X, p. 433, l. 28. Cervini's report, *ibid.*, pp. 421 f., shows that already Pacheco was demanding not only a prohibition of the Bible in the vernacular, but likewise an examination of all exegetical writings by Catholics: he was obviously aiming at Erasmus.

dependence on the formulas of the theologian John Driedo of Louvain—is that lectures, disputations and sermons are based on different versions of the Scriptures. This abuse will be removed if the Council declares the Vulgate to be an authentic text, though without prejudice to the authority of the Septuagint or a depreciation of other editions in so far as they contribute to a better understanding of the Vulgate. (2) But since it is not to be denied that the Vulgate has come down to us in a faulty condition, the Council should request the Pope to see to the production of an emended text of the Vulgate and also, if possible, of the Greek and Hebrew texts of the Bible. (3) Neither the public nor the private interpretation of Holy Scripture can be left to individual good pleasure; on the contrary, this interpretation must conform to the Church's interpretation and the unanimous consent of the Fathers. (4) The printing and sale of Bibles and Biblical commentaries is subject to a previous examination either by the Pope, or by the metropolitan assisted by two suffragans, or by the ordinary, and in the case of religious, permission of their superiors is also required. Anyone selling or having in their possession unapproved Bibles is liable to the same fines as the printer of such books.

If one compares this committee-report with the discussion in Cervini's class on 1 March, one is at once struck by the fact that its members put completely on one side several of the numerous questions which had been broached at this time, such as the reform of the liturgical books, but above all that they took the greatest care not to touch the burning question of the translation of the Bible into the vernacular, for this is what the question had proved to be in the meantime, especially after Pacheco's theologian, Alfonso de Castro, had subjected it to a detailed examination in the congregation of 9 March when his decision was undoubtedly an unfavourable one. In his book *Adversus haereses*, de Castro speaks of the vernacular Bible as "the mother and origin of heresies". Pacheco threw himself at once into this breach and asked what had become of the prohibition of the translation of the Bible into the vernacular. Madruzzo rose after him and earnestly dissuaded the Council from such a prohibition. The divergence was so sharply marked that the legates deemed it advisable not to continue the debate on the report but to leave it to the particular congregations in which, moreover, the draft of the decree on Scripture and Tradition was to be considered.

Before this, however, they made an attempt to win Pacheco over to their side and to persuade him to consent to the postponement of the

controverted question. On 22 March Massarelli was told to call on him and to tell him that the dispute between the two cardinals had made an exceedingly bad impression, especially upon the latest arrivals. So sharp was the divergence between the parties that any majority decision would only embitter the minority, and what was worse, such a decision could not be given effect in countries where a contrary practice prevailed. Spain and France would not submit if translation was permitted in virtue of the authority of the Council, while contrariwise Germany, Italy and Poland were not likely to agree to a prohibition of the vernacular Bible.¹

These arguments completely failed to impress Pacheco, and Massarelli was not the person who could convince a man of so independent a character as the Spanish cardinal. The newly-arrived prelates, he replied, would quickly perceive that there was no personal hostility between him and Madruzzo, but that they differed on a practical question which it was imperative to ventilate. There was no doubt that the prohibition of a vernacular Bible would command a majority. An overwhelming majority of Spaniards and Frenchmen, as well as many Italians, would decree it, and this conciliar decision, inspired by the Holy Spirit, would be obeyed in the Church—at least in Spain. Where they would be led to if Holy Scripture were to be put in the hands of Tom, Dick and Harry was clearly shown in Germany; and had not the 150 doctors of the Sorbonne also pronounced in favour of the prohibition?

There was something to be said for this reasoning. On the other hand it was impossible to give effect to the compromise which Pacheco proposed at the end of the conference, namely that in countries in which the practice of reading the Bible in the vernacular had come to stay, the translation of certain books, such as the Psalms, Proverbs, the Acts of the Apostles, might be conceded, but not that of the Epistles of St Paul and the Apocalypse. However, a partial prohibition of this kind would only have made matters worse. In any case Pacheco insisted that the debate could not be limited to a discussion of the committee-

¹ Massarelli at Pacheco's house: *C.T.*, VOL. I, pp. 518 ff. De Castro's standpoint in *Adversus haereses*, I. I. c. 13 (*Opp.* I, 81). Audet and the two Franciscans Castelloneus and Lunello also number the vernacular Bible among the abuses, *C.T.*, VOL. XII, pp. 511; 512, l. 24; 516, l. 7. On the attitude of the Spaniards, see the papers by J. Enciso on the Spanish prohibitions of the vernacular Bible: *Estudios bíblicos*, III (1944), pp. 523-44; also M. Revilla, "La controversia sobre las versiones vernáculas de la Biblia en el Concilio de Trento", *Religión y Cultura*, x (1930), pp. 88-104; F. Cavallera, "La Bible en langue vulgaire au Concile de Trente", *Mélanges E. Podechard* (1945), pp. 37-56. For Ehse's earlier work see below, p. 83, n. 1.

report—the controversy about the vernacular Bible must be fully thrashed out. However, the legates stuck to their plan for circumventing such a debate and on Del Monte's initiative they made a last-minute change in this sense in the order of the day for the particular congregations of 23 March. It contained three points: (1) the draft of the decree on Scripture and Tradition; (2) the committee-report about abuses; (3) an extension of the task of the second committee so as to include the drafting of a decree. Time was getting short. For weeks congregations had been held at prolonged intervals and the time-limit of the session was steadily drawing nearer.

In Cervini's class ¹ the two members for the drafting of the decree on Scripture and Tradition, the Bishops of Feltre and Belcastro, had no light task. Although the committee had been formed as early as 26 February, it had not been able, up to 17 March, to agree on one draft, but had submitted two, both of which were so unsatisfactory that the legates put at their disposal a third text, drawn up by themselves, and this they accepted. It had been submitted to the members of the particular congregations for their inspection, but no written copies were handed out on account of the legates' fear that it might come into the wrong hands and get published prematurely. The result was that the Bishop of Castellamare complained that he had only read the draft very hurriedly, hence he was not in a position to express an opinion on it. The grievance was a just one. Cervini promised for the future to allow copies of conciliar proposals to be made, on condition that they should not be sent outside. In this way it became an established custom for the bishops' secretaries to obtain copies of the agenda from the secretary of the Council previous to the assembly of the congregation. That Cervini's condition was not strictly complied with is proved by the numerous conciliar correspondences that we possess.

The draft of the "Decree on the acceptance of the Holy Scriptures and the Apostolic Traditions" of 22 March stated that the glad tidings

¹ Particular congregation of 23 March 1546, *C.T.*, VOL. I, pp. 521-8; VOL. V, pp. 31-8; the anonymous vote printed in VOL. XII, p. 536, is of the same date, or of 27 March; VOL. X, p. 432; W. Koch, *Der Begriff traditiones*, pp. 194 ff. Draguet, in his above-mentioned study in *Miscellanea De Meyer*, pp. 836-54, has shown that decisive formulations of the Vulgate decree (e.g. *pro authentica, in publicis lectionibus, disputationibus*) were taken from John Driedo's work *De ecclesiasticis scripturis et dogmatibus* (1533), probably through the intervention of Seripando whose *Collecta de libris sanctis*, of which I made use in my *Seripando*, VOL. I, pp. 325 f. (Eng. edn. p. 283), contains extracts from Driedo's work. For the origin of *partim partim* in the draft of the decree on Scripture and Tradition I have drawn on J. R. Geiselmann's "Das Missverständnis über das Verhältnis von Schrift und Tradition in der katholischen Theologie", *Una Sancta*, (1956) pp. 131-50, esp. 132 ff.

of Jesus Christ promised in the Old Testament "are contained partly in the Sacred Scriptures, and partly in the unwritten traditions which the Apostles received from Christ's own lips or which, under the inspiration of the Holy Spirit, were by them, as it were, passed down to us from hand to hand. Following the example of the Fathers, the Council receives with the utmost reverence as holy and authentic all the books of the Old and New Testaments, since the one God is the author of both, as well as the traditions which proceeded either from Christ's own mouth or from the Holy Spirit and have been preserved in the Catholic Church by an unbroken succession of the ministry, and to which is due the same loving adhesion [as to the Holy Scriptures]." The Council further declared that these twin sources of revelation would be the basis of the dogmatic definitions and the reform of morals. There follows a catalogue of the books of the Old and the New Testaments and, finally, transgressors of this canon are threatened with anathema.

Criticism began with the passages which had already been subjects of controversy in the previous debate. Once again the question arose whether it would be possible to omit all mention of ecclesiastical traditions in addition to the apostolic ones, without risking the depreciation of the former. The Bishops of Sinigaglia, Fano and Bertinoro felt that it had not yet been made sufficiently clear that not all apostolic traditions were to be regarded as an essential part of Catholic dogma and placed on the same level as Holy Scripture, but only those which had been handed down without alteration by a constant tradition. "Can we threaten transgressors with anathema", the general of the Augustinians asked, "if the traditions are not enumerated?" But the weightiest objections came from the general of the Servites. Like the Bishop of Chioggia before him, he too denied the parity of Scripture and Tradition. The whole of the evangelical truth was contained in Scripture, not merely a part. The words "with equal loving adhesion" (*pari pietatis affectu*) could only refer to the parity of the written and unwritten traditions taken together, but not in association with Scripture. Finally he expressed a doubt whether it was right to appeal to the deuterocanonical books of the Old Testament in dogmatic definitions. In this way he took up once more the suggestion of Seripando and of the Bishop of Fano that, following St Jerome's precedent, only limited dogmatic authority should be ascribed to these books, a suggestion one might have thought already rebutted. The most important point of Bonuccio's criticism of the draft of the decree was his rejection

of the words—partly . . . partly (*partim—partim*). In his opinion the stream of New Testament revelation does not divide into Scripture and Tradition, as had been taken for granted by every speaker in the previous great debate—with the exception of the Bishop of Chioggia—but Scripture is complete as to its content and contains all truths necessary for salvation. For him “tradition” is essentially an authoritative interpretation of Holy Writ, not its complement.

Was this a Lutheran notion? By no means. It was but an offshoot of a doctrinal tradition which begins with Vincent of Lerins and is also found in scholastic theology “which was far from regarding truths handed down by mere oral tradition as a quantity existing in its own right and wholly independent of the revelation set down in the Bible” (Geiselmann). This explains why Bonuccio was not taxed with Lutheranism in spite of his opinion.

Eck, on his part, had made use of the expression *partim—partim* in his work on the Mass (1526) and this in connection with Ambrogio Traversari’s translation of pseudo-Dionysius (*De hierarchia ecclesiastica* c. 1). The formula seemed most appropriate for a refutation of the Lutheran principle “the Bible alone”, and what is more, it could be supported by a text in St John xxi, 25: “There are also many other things which Jesus did, which, if they were written, the world itself would not be able to contain the books that should be written.” There can be no doubt that though the majority of the theologians of Trent may not have approved the formula *partim—partim*, they approved the thing itself, that is, the statement that dogmatic tradition was a channel of revelation which supplemented the Scriptures.

Bonuccio failed to drive home any one of his objections and when he got into an altercation with the Bishop of Feltre on the question of the parity of Scripture and Tradition, Cervini enjoined silence on them both.

The fact that the debate on the second item of the order of the day, namely the report of the commission on the abuses connected with the use of Scripture, was less heated than that on the first, was due to the leader of the discussion, Cervini, who successfully prevented it from straying into other, more delicate spheres. These were not wanting. After drawing up its report, the commission had proceeded with its work when its Spanish members, above all the Bishop of Astorga, left no stone unturned in an effort to drag in the second, as yet undiscussed part of the report, namely the prohibition of a vernacular Bible, as well

as various other topics which, it was easy to foresee, would lead to heated discussion, such as the ministry of preaching, the obligation for bishops and the parochial clergy to preach, with the exception of religious, and, for good measure, even the duty of residence.¹ The Bishop of Fano had met the Spaniards with a counter-attack on the preaching of the Spanish *cruzada* and on the exercise by the Catholic kings of the right of nomination to Spanish bishoprics. Tensions, therefore, existed which might easily lead to an explosion; but nothing like it happened in the particular congregation of 23 March—its members kept strictly to the four points of the committee-report. But this too was not without its problems. “Why”, the Bishop of Motula asked, “are not the editions of the Bible other than the Vulgate accepted or rejected in plain language?” The Bishop of Belcastro felt uneasy about the imperfection of the Vulgate being officially acknowledged by the Council; the opposition would not fail to make the most of such an admission. The Archbishop of Palermo and the Jesuit Lejay urged the Council to take the revision of the Vulgate into its own hands instead of leaving it to the Pope, whom they could not possibly reduce to the rank of a corrector. The threat of a fine instead of an ecclesiastical censure against transgressors the archbishop described as unseemly.

The defence of the report against these criticisms was conducted with extraordinary skill by Pietro Bertano, Bishop of Fano. By his conduct on this occasion the bishop justified Madruzzo’s opinion of him—“The best brains I have ever met!”—when, at the end of January, after a short stay in his diocese he returned to Trent, considerably belated because all his luggage had been stolen in Emilia.

Bertano had been a member of the Order of Preachers. For a time he officiated as lector at Mantua. His lectures on the epistles of St Paul, which attracted a great number of hearers, as well as his role of theological adviser to Cardinal Gonzaga, revealed him as an enlightened theologian whose teaching met the demands of the age. Through the influence of the Cardinal of Mantua he was raised to the episcopal see of Fano in the Marches. The inter-related dynasties of Mantua and Urbino repeatedly used him as a mediator. The impartiality and the skill of which he gave proof in these difficult negotiations predestined him for an outstanding role at the Council and in the papal diplomacy and his friendly disposition towards the Empire made him a suitable mediator between Pope and Emperor. He was raised to the cardinalate

¹ Severoli’s report of 24 March, *C.T.*, VOL. X, p. 429, and Cervini’s, *ibid.*, p. 436.

in 1551 and in the conclaves previous to the year 1551 his prospects as a candidate for the tiara were of the brightest.¹

"The Vulgate", he told the Bishop of Motula, "is declared authentic because it has been the Church's Bible for centuries; but this does not mean that all other translations, even those made by Protestants, are condemned out of hand, for the simple reason that much that is good can be found in them." Bertano was fully convinced of the necessity of a revision of the Vulgate, but even he had no adequate conception of the difficulty of such a task. Its faults, he thought, were only copyists' and printers' errors which it would be easy to eliminate by means of a comparison of the text with the manuscripts. It would be much easier for the Pope than for the Council—were it only on account of the expense—to procure these manuscripts and to secure trained men for the restoration of the text. If the threat of a fine had been substituted for that of a censure, the reason was that in these days it acted as a stronger deterrent than the threat of a censure, to the already excessive number of which no further addition should be made.

The third point of the order of the day, namely that on completion of its report, the second commission should also be entrusted with the drafting of a decree on the use of the Bible, was accepted without objection of any kind. In the general congregation of 27 March this task was officially committed to it.² On this occasion Cervini acted as

¹ For Pietro Bertano, Bishop of Fano, cf. the introduction to *Nuntiaturberichten aus Deutschland*, VOL. I, p. 11 (Friedensburg) and p. 12 (Kupke), Pastor, VOLS. V, pp. 662 ff.; VI, p. 318 (Eng. edn.: VOLS. XII, pp. 432 ff.; XIV, pp. 2 ff.). I may observe here that the *Avvisi* of Modena contain conciliar letters of Bertano to Cardinal Gonzaga. On the other hand Pandolfini, Cosimo's Venetian agent, had already learnt in February that the Bishop "molto confidente al Papa sei et per ordine di S.S.^{ta} quelli R^{mi} legati comunicarli del continuo tutto quello che hanno da Roma". The first part is true, the second very doubtful; he did not even get the see of Capua for which both Madruzzo and Cervini had recommended him in the most pressing terms, *C.T.*, VOL. X, pp. 466 f.

² General congregation of 27 March 1546: *C.T.*, VOL. I, pp. 38 ff.; 528 f.; VOL. V, pp. 39 ff.; VOL. X, pp. 434 f. The legates' opposition to the diffusion of copies of the decree-drafts is illustrated by a remark of theirs in a letter of 17 February to the nuncio in Venice, Bibl. Ricci 4, fol. 63: "C'è parso molto nuovo che in Venetia si stampino le chose di questo concilio senza almeno farne motto a V.S.R." The nuncio should request the Signoria to intervene. This directive was repeated on 25 February.—Bertano's misgivings about the draft of the decree are confirmed by the *Avviso* of 26 February 1546 from Trent (State Arch. Modena, *Avvisi* 3), which is really a letter from Bertano to the Cardinal of Mantua. In it the Bishop reports that on 25 February he had been called to the legates' conference, cf. *C.T.*, VOL. I, p. 493, l. 17, and that this gave him an opportunity to state his objections to the formulation of the principle of tradition as it was then planned. They are identical with the ideas which he propounded a month later in the general congregation of 27 March. In the *Avviso* we read: "Io feci un lungo ragionamento, mostrando loro che questo principio stabilito da noi si

president because Del Monte was suffering from such a violent attack of gout that on 17 March he made a first formal request for his recall. Here too the decree on Scripture and Tradition met with strong criticism. Madruzzo expounded the objections against the deuterocanonical books which had been mooted before, and there was a fresh demand for a list of particular traditions. For the last time Bertano, no less vigorous in attack than in defence (*acriter . . . impugnavit*), battled against those who would put the Scriptures and traditions on the same level. It was a fact that there were apostolic traditions which the Church had abolished, or which had somehow fallen into desuetude, such as Communion in both kinds, facing east at prayer, and so forth. Should the defenders of the decree urge that this state of affairs was being taken into account, for only such traditions would be accepted as had come down to our own days, the riposte would be immediate: "You yourselves have done away with them, hence you seek to justify your arbitrary action by means of a conciliar decree." Lastly, it was excessively harsh to threaten the transgressors of traditions with the same anathema as those who scorn the canon.

The Neapolitan Saraceni, who acted as spokesman of the first commission for Archbishop Sassari, who was unable to attend, was no match for Bertano as a defender of the decree. The Bishop of Bitonto,

potria gravissimamente noi stessi offendere, imperocche che sotto questo principio Germani potriano subsumere che la comunione sub utraque specie e il coniugio de' sacerdoti essendo elle tradittioni apostoliche, per questo principio sono ricevuti da noi in questo concilio, perche saremo sforzati o recantar o moderar il dogma di questa maniera che noi riceviemo le tradittioni apostoliche, ma di quel modo che sono dalla Chiesa usate. Alla qual moderatione non mancherà istanza, peroche se per la Chiesa noi intendemo l'universale Chiesa, essendo stata sempre diversa l'orientale Chiesa dall'occidentale nel uso di queste due tradittioni . . . , et l'occidentale Chiesa havendo in parte fluttuato sopra di cio, non potremmo modificar quel nostro decreto con l'uso della Chiesa universale, ma bisognara ridursi all'uso della particolare di Roma, la qual moderatione atteso il tempo, la malitia Germanica, sara con poca nostra dignita et molta loro derisione. Della qual moderatione ancor nasceriano molti inconvenienti. Et chosi con molte altre ragioni persoasi non esser da farsi cotal decreto."

If they wished to define a "dogma contrario al Germano" they must restrict themselves to laying down in the decree "che molte chose da Christo sono dette et dallo Spirito Santo successivamente insegnate molt'altre che non sono scritte nelle sacre lettere, alle quali indubitata fede si deve donar. Et chosi con questo piu alto principio noi comprendiamo tutte le chose vere apostoliche ecclesiastiche et (*read:* che) in qualunque maniera non sono scritte, et chosi si fuggono tutte le objectioni che dalle tradittioni apostoliche nasceranno, conservandossi parimente di poter dir a luogo per luogo: questa è verita per lo Spirito Santo nata et non scritta." The circumstance that Bertano only stated these views in the general congregation a month later is explained by the fact that he thought that after the general congregation of 26 February, his opinion had prevailed. "Hoggi nella congregazione generale s'è stabilito di far il dogma di quella maniera ch'io narro." The draft of 22 March, which originated with the legates, taught him that he was mistaken.

however, came to his rescue with arguments in favour of the parity of Scripture and Tradition, but he too desired a clearer formulation of the anathema. The commission had taken the passage from Gratian, who, on his part, had appealed to the seventh General Council, but there the wording differed and, as Seripando rightly objected, the meaning was likewise different.

For nearly seven hours the debate swayed this way and that and everybody was dead tired and, what was much worse, exceedingly dissatisfied. However, the general impression remained firm, namely that the decree needed to be improved though it was impossible to ascertain which of the Fathers of the Council, and how many, desired a definite alteration, for, unbelievable as it must appear, up to this time the leaders of the Council had neglected to take one of the most elementary measures to assure an orderly business procedure, namely, that of having minutes of the negotiations of the general congregations drawn up. The value of such records Cervini himself had recently realised in his own class in which, on his instructions, his secretary Angelo Massarelli had taken notes of the course of the discussion.

In the general congregation of 27 March, in which he presided as Del Monte's deputy, he probably employed Massarelli when it came to the listing of the proposed corrections (*dubia*), or he may have made use of the notes which Severoli, the promoter of the Council, was in the habit of taking for the purpose of reporting to Cardinal Farnese. His proposal that the next general congregation should give its vote on this written list of *dubia* without further discussion and by a simple Yes or No (*placet* or *non placet*) met with general approval. This incident also led to the definitive creation of the secretariat of the Council.

The drawing up of the minutes was not properly speaking one of the duties of the secretary of the Council; it was the proper work of the notaries, who, in point of fact, did exercise their functions in this session. The original conception of a conciliar secretary was that he should take charge of the correspondence of the Council; hence it had been intended to choose for this office some distinguished Latin stylist, such as had been employed in the papal secretariat since the beginning of the fifteenth century, beginning with Poggio and Bruni down to Bembo and Sadoleto. By reason of the elegance of his style and his wide culture, Ludovico Beccadelli of Bologna, the former secretary of Contarini, would have been equal to the most exacting demands. He had arrived at Trent on 24 April 1545, but in mid-August the legates

had sent him to Rome on a political mission and he had only returned to the city of the Council for a few days' stay. The poet Marcantonio Flaminio and the Venetian Priuli—both of them closely associated with Cardinal Pole—had declined the office, so that, for the time being, the Council was without a secretary. The legates' correspondence with the Curia was carried on by Cervini and Del Monte themselves, the clean copies being made by the former's private secretary Massarelli, and by Trifone Benci. It was inevitable that by degrees Massarelli should get so used to his work of a secretary to the College of Legates as to induce a hope that the office would definitely fall to him. In this expectation he was not disappointed, but he only became secretary to the Council when the need arose for someone who would draw up the minutes of the general congregations.

At this time Angelo Massarelli, a native of San Severino, in the March of Ancona, was in his middle thirties, but his intellectual formation was no match for that of Beccadelli and Flaminio, though as regards keenness and application to work not many could surpass him.¹ He left the university of Siena after seven years' study with a doctorate in both Laws, but he was neither an acknowledged stylist nor a trained theologian. Yet what was needed was precisely a theologian able to grasp the delicate distinctions of theological terminology and to record them accurately. Massarelli never completely filled this gap in his education. Notwithstanding the misgivings which were entertained from the first, on account of the narrowness of his mental outlook which in the last period of the Council led to real doubts about the accuracy of his reports, he retained his office of secretary of the Council in all the three periods of its sessions, even after he had become Bishop of Telese in 1557. No other man has done so much for the history of the Council as he, as the compiler of its acts and the author of seven diaries during that period—though these are of very unequal value. The first of April, he noted on the margin of his diary, was his lucky day. On that day, in 1538, he had begun his service with Aleander; four years

¹ Massarelli as conciliar secretary: *C.T.*, VOL. I, p. 532, and Severoli's opinion, *ibid.*, p. 41. In order to convince the reluctant president of his ability to make a protocol Massarelli submitted to him his detailed protocol of the plenary congregation of 23 March, *C.T.*, VOL. I, p. 528, l. 14. For all that, as late as 5 April, the legates still speak of him as the "vice-secretary", *C.T.*, VOL. X, p. 442, l. 27. Severoli says, not without sarcasm, that he was "pro secretario se gerens"—acting as if he were secretary, VOL. I, p. 43, l. 47.—For Massarelli's life see especially Merkle, *C.T.*, VOL. I, pp. lxxvii-cxx; also CH. XIV. Manelli's account-book, in G. Calenzio, *Doc. ined.* (Rome 1874), p. 10, shows that on 8 April Massarelli received a provision of 25 scudi by order of the legates, for services rendered by him as secretary since the opening of the Council.

later he was in the employ of Cervini, and now, on this same day, he had become secretary to the Council and scrutineer of the votes (*scrutator votorum*). In the sessions he accordingly officiated as a protonotary. The detailed account of the general congregation of 1 April proves how seriously he took his duties as a keeper of the minutes.

Yet another innovation took place in the same congregation. Up to this time the general congregations had begun at, or shortly before, two o'clock in the afternoon and had lasted throughout the afternoon. In their conference of 31 March—in view of the approach of the warmer season—the legates decided to hold the assemblies in the morning. This arrangement made it possible to open the meeting with the Mass of the Holy Ghost, which was all the more appropriate, as—in contrast with the Council of Florence and the fifth Lateran Council—the real work of the Council was done in the general congregation, not in the Sessions, which only retained an almost exclusively formal character. For a late-riser like Pacheco, and probably for many a member of the Council, this early hour meant a considerable effort (in April, according to Italian reckoning, 12 h. = 7 a.m.), but both Madruzzo and Francisco de Toledo welcomed the change, and Massarelli was not far wrong when he observed that, as a rule, men are less quarrelsome in the morning than after dinner, when they are made to forgo the customary period of rest.

The fourteen *dubia* of the last general congregation had been handed to all the Fathers on 29 March, but Del Monte, who presided once more on 1 April, did not strictly abide by the decision then taken of voting with a simple Yes or No, but allowed further discussions, though as brief as possible, of the subject-matter. In point of fact these were called for by the very wording of the *dubia*. Particular questions with regard to the canon of the Bible (2-5, 12) created no serious difficulties—for example, whether the longer conclusion of Mark, Luke xxii, 43 f., John viii, 1-11, should not be excepted; whether, for purposes of control, the number of chapters of each individual book should be given; whether the Apocrypha usually found in the editions of the Vulgate, namely 3 and 4 Esdras, and Machabees, should be expressly rejected or passed over in silence; whether the book of Psalms should bear David's name as its author. The main question, whether degrees of authority should be recognised, was taken as disposed of, as was the question whether traditions should be enumerated individually and whether the ecclesiastical ones should be included. However, the Bishop of Fano's arguments against the parity of Scripture and Tradition had made so profound an impression that this problem was taken up once more with

dubia 7 and 8 and the assembly considered the possibility of a grading-down between the doctrines derived from these two sources of revelation. The extension of the anathema against transgressors of traditions, especially the much criticised expression *violaverit*, was subjected to a fresh debate (*dubia* 9, 11).

When the debate came to an end it was possible, thanks to Massarelli's minutes, to form an accurate opinion of the point of view adopted by the Fathers of the Council to each individual question, on which the unequivocal attitude of the Council to the main problem was based. Thirty-three votes were in favour of the unqualified parity of Scripture and Tradition, eleven desired a toning down, that is, they wanted the word "equal" to be replaced by "similar". To these we may add the three votes which favoured the opinion that the traditions should be treated with respect. The threat of anathema against those who acted otherwise was supported by thirty-eight votes, but nearly as many, namely thirty-three, desired the suppression of the word *violaverit* which, in point of fact, did not appear in the decree. The concluding paragraph was recast: in its new form it defined more sharply the subjective preliminary condition for an anathema, which was to be inflicted by authority and not incurred *ipso facto*. Only those were to incur it who obstinately scorned the traditions (*contempserit pertinaciter*).

During the debate on the *dubia* in connection with the decree on the canon, there occurred an incident, small in itself, but of great significance because it bore on fundamentals. The second commission had received the list of *dubia* during one of its sessions and it had been agreed that they would adopt a common point of view about them. However, when the Archbishop of Aix was about to read out the agreed joint vote in the general congregation the Archbishop of Sassari, who presided over the first commission, raised an objection on the ground that it was not customary to give a collective vote, but that each member was bound to expound his own personal vote. By this action he recalled an unwritten but universally admitted principle, namely that at a Council the formation of any kind of party, which might even remotely issue in a sectional pressure, cannot be tolerated, for each member is exclusively responsible to his own conscience. Del Monte calmed the ensuing excitement (*clamor*) with an explanation of startling simplicity. It was self-evident, he declared, that every one must stand by his own view, but every member was likewise free to identify himself with the vote of another. Thereupon the Bishop of Sinigaglia declared that the collective standpoint of the members of the commission was his personal

vote and the other members sided with him. The vote, the text of which has been preserved, contains an important new formulation of the whole passage about the traditions, the acceptance of which is not demanded *pari* but merely *simili pietatis affectu*.

The latter part of the general congregation which had been devoted to the consideration of the decree about abuses ended in a verbal encounter between Pacheco and the Bishop of Fano and Madruzzo over the translation of the Scriptures into the vernacular tongues and the "corrupt condition" of the Vulgate. The Bishop of Fano, appealing to Christian liberty, boldly demanded toleration of other translations, even those made by Protestants. Pacheco condemned in impassioned terms translation into the vernacular, while Madruzzo defended it "with many arguments", the persuasive force of which was almost irresistible. If we forbid such translations, he argued, do we not act like the pharisees who hold the key to sacred knowledge but will not allow anyone else to enter? Can we snatch the word of God from the hands of the people who read it? When Pacheco and Alfonso de Castro go the length of maintaining that the reading of the Bible by the laity is the source of all heresies, how does their assertion square with the fact that the authors of the reformation—Luther, Zwingli, Oecolampadius, Melancthon and Bucer—were exceptionally well acquainted with the original languages of the Bible? If they could not forbid the study of the Bible in the original languages—a thing they had no intention of doing—why should the vernacular Bible be prohibited? Neither youth nor age, man or woman, noble or lowly, may be precluded from reading the Bible. That there were risks was not to be denied; but the danger could be countered by adding explanations of difficult passages and forbidding translations that had been tampered with or had not been approved.

The discussion threatened to become even sharper when Del Monte forestalled an impending counter-attack by Pacheco with the remark that no one, except the legates, was entitled to bring up for debate, matters that were not included in the day's programme. After that without any more ado, he rang the bell which was the signal to the escort of the prelates who waited outside that the meeting was over.

But Pacheco was not the man to be silenced so easily. In the general congregation of 3 April,¹ which was exclusively concerned with the "four abuses", he renewed his demand in the sharpest terms. "All

¹ General congregation of 1 April 1546: *C.T.*, VOL. I, pp. 40 ff.; Massarelli's *Diarium III*, *ibid.*, p. 532, from now onwards less informative; from now also the acts, based on notes taken at the time of the congregations, *C.T.*, VOL. V, pp. 42-51, as well as

translations other than the Vulgate, even the Septuagint, must be forbidden." Del Monte was careful not to interrupt him. Equally blunt and incapable of execution was Pacheco's next demand, namely that all clerics and laymen, with the exception of doctors of theology, should be forbidden to interpret Holy Scripture. Only with regard to the revision of the Vulgate did he agree with Madruzzo's opinion that a start should be made at the Council, and if possible before the declaration of the Vulgate's authenticity. What a delusion about the vastness of such an undertaking!

From the conciliar tractates we are able to gather how far precisely the views of the experts diverged on the origin and value of the Vulgate.¹ Not only was the authorship of St Jerome called in question and a distinction drawn between the Vulgate and St Jerome's translation, but the Bishop of Fano conceived the revision as no more than the removal of copyists' and printers' errors. Many wanted to see the Vulgate corrected on the basis of the original texts (*ad fontes ipsos*), while others set greater value on its text than on that of the original languages. Opinions also diverged widely about the value and authority of the Septuagint.

It is easy to see that this conciliar debate could not fail to lead to a more objective appreciation of the problem of textual criticism and to demonstrate the impossibility of giving effect to the proposal of the two cardinals.

The seriousness of these grave discussions was relieved by the Bishop of Chironissa and Melopotamos, in Crete, the Greek Dionisio de Zanettini, commonly known as Grechetto (the little Greek) on account of his small stature. The Bishop had only reached Trent on 29 March, but he caused considerable hilarity at his very first appearance at the Council.² He was undoubtedly a man of parts, but of an unstable and unaccountable character. A Franciscan, he had, as he himself put it,

six votes, pp. 54-8; short references in the legates' report, VOL. X, p. 441. Madruzzo's defence of the vernacular Bible printed in VOL. XII, pp. 528 ff., is undoubtedly the vote of 1 April, the text of which had already been printed by S. Ehses in "Das Konzil von Trient und die Übersetzung der Bibel in die Landessprache", 3 *Vereinsschrift der Görres-Gesellschaft für 1908* (Cologne 1908) pp. 37-50. The vote of the Bishop of Astorga, which shows the alteration in the text of the decree after 1 April, in C.T., VOL. V, p. 71, l. 5. General congregation of 3 April 1546: C.T., VOL. I, pp. 42 ff.; 532; VOL. V, pp. 58-67; only briefly mentioned in the legates' report, VOL. X, p. 441, l. 19.

¹ The treatises, nos. 65-67, have already been used by Höpfl, *Beiträge*, pp. 4-12; on the dispute about the author of the Vulgate, cf. Th. Freudenberger, *Augustinus Steuchus* (Münster 1935), pp. 160-80, and Jedin, *Seripando*, VOL. I, pp. 337 ff. (Eng. edn. pp. 295 ff.).

² For Dionisio de Zanettini, surnamed "Grechetto", cf. G. Buschbell, *Reformation und Inquisition*, pp. 36-60.

escaped from the "misery" of the religious life by the circumstance that the Archbishop of Cyprus had procured for him a miniature diocese in the Cyclades, and at a later date (1538), the twin dioceses of Crete. He spent most of his time at Venice or its neighbourhood and occasionally acted as auxiliary of Vicenza, but above all he succeeded in drawing the Curia's attention to himself by means of unsolicited suggestions about the union of the eastern Churches, and even more frequently by the denunciation of real or imaginary heretics. He had won Cervini's favour by his efforts in the acquisition of Greek manuscripts for the latter. Though he was a Magister in theology, the Council did not take him quite seriously. In his first speech he cheerfully declared that no good purpose would be served by transferring the censorship of printed Bibles from the Apostolic See to the bishops, since most of them knew nothing about these things, so that such an order would be like an omelette without salt and butter. General laughter greeted this sally, but the fact remains that the decree of the fifth Lateran Council (tenth Session, 4 May 1515), by which the censorship of books had been transferred to the bishops, had turned out to be a mistake, inasmuch as most of them were unequal to the task.

Del Monte had handled the discussions of 3 April in the grand manner. Much relevant work had been done, yet at the end of the debate the Bishop of Fano, the leading spirit of the second commission, announced his utter inability to elaborate the decree unless there was first a vote by simple Yes or No on the controverted points. Thereupon a relatively prompt agreement was arrived at on two points, namely that all anonymously printed books (of the Bible) should be prohibited and that one single edition of the Bible should be declared authentic—the others, including the Protestant ones, were to be passed over in silence. Former differences of opinion only reappeared when it came to the voting on the second question, namely whether one edition of the Bible in the various vernacular languages should be declared authentic? Should not at least one authentic text be produced in each of the three current Biblical languages, Hebrew, Greek and Latin? Madruzzo and nine other bishops answered the first question in the affirmative while Pacheco, with thirteen others, replied in the negative. Twenty-two Fathers declared themselves in favour of one authentic Latin version, and only a very few—among them the Bishop of La Cava and Seripando—favoured an authentic edition in all three languages. The result of this vote was not calculated to do away with the controversial questions since those twenty-two votes were indecisive on the

first question, which was also the most important one. Divergences arose anew when the question was put whether lay people could be permitted to produce commentaries of the Bible. A sharp contest ensued between Pacheco and Madruzzo; more than that, the fact could scarcely be disguised that the legates themselves were not of one mind in this matter. Del Monte inclined to Pacheco's view, while Cervini and Pole leaned to that of Madruzzo, hence the Cardinal of Trent called upon Pole to act as arbiter; but the latter felt obliged to decline, for had he complied with the request, the difference of opinion in the College of Legates would have ended by becoming common knowledge—one more reason, and probably the strongest of them all, why the legates sought to prevent a decision on the controverted point.

It wanted only a few days to the date fixed for the conciliar Session, yet neither of the two decrees that were to be published in it was in its final form. The first one, that on Scripture and Tradition, underwent a good deal of polishing in the general congregation of 5 April,¹ though most of the suggested alterations related to secondary points, such as the order of the Biblical books, the naming of their authors, but most of them were merely concerned with questions of wording. Even now the new formula of the anathema, decided upon on 1 April, did not satisfy everybody; thus the Bishop of Sinigaglia proposed that the words "let him be anathema" should be replaced by the formula "shall be put under anathema". In this way the threatened excommunication, which would evidently have been incurred automatically, would have become a penalty that could be inflicted. The really surprising thing was that the chief theological problem, the parity of Scripture and Tradition, was still regarded as unsolved. Four prelates, the Bishops of Castellamare, Fano, Bergamo and Chioggia, advocated once more the substitution of "similar" for "equal". This obstinate resistance in so weighty a matter would assuredly have been taken quite calmly had not the highly temperamental Bishop of Chioggia, Nacchianti, let slip an inconsiderate remark: "To put Scripture and Tradition on the same level", he said, "is ungodly" (*impium*). "Are we ungodly people?" the Bishop of Badajoz interjected indignantly. Nacchianti, unabashed by the interruption, repeated it only in more

¹ General congregation of 5 April 1546; *C.T.*, VOL. I, pp. 44-7; 533; VOL. V, pp. 69-72; VOL. X, p. 442, l. 22. Seripando, *C.T.*, VOL. II, p. 433, l. 5 describes the incident with Bishop Nacchianti as "magnus tumultus". Particular congregation of 6 April and general congregation of the 7th in *C.T.*, VOL. I, pp. 47 f.; 533; VOL. V, pp. 76-89; VOL. X, p. 444.

forcible terms: "Yes, I repeat it! how can I accept the practice of praying eastward with the same reverence as St John's gospel?" The excitement took such proportions that the president was forced to intervene. Freedom of speech, Del Monte declared, is not the same as freedom to give offence. Let Nacchianti apologise for the expression used by him. The latter now realised that he had gone too far and sought to attenuate the violence of his language. He had not meant to attack the persons of the majority of the Fathers of the Council, but only the doctrine they defended; the word he had used (*impium*) did not bear the offensive meaning in which it had been taken; it was not synonymous with "heretical"; its meaning was something like "without consideration" for persons entrusted to us, for instance, our parents. This doctrine showed no consideration for the faithful of the Church; it was a harsh measure because its formulation, as adopted by the Council, laid a most strict obligation on them to accept the traditions. Nacchianti gained nothing by this partial withdrawal. Del Monte insisted on a formal apology and Nacchianti offered it, but no one required him to recant his theological opinion. His explanation on the subject was unobjectionable from the Catholic point of view: "I cannot change my opinion", he said, "unless convincing arguments to the contrary are brought forward; this is my right as long as the decree has not been published in the Session and given force of law. If this is done I shall submit."

Nacchianti's aggressive gesture, which actually had the support of such excellent theologians as the Bishop of Fano, Seripando and Bonuccio, had a surprising sequel. At a conference with the committee members in the course of the afternoon of 5 April, to which the Dominican Ambrosius Catharinus was likewise invited, the legates yielded to the minority and replaced the "equally" of the decree by "similarly", even though the vote of 1 April had settled the question. In the particular congregations which were convened for 6 April, the whole subject was examined once more, with the result that the alteration had to be changed back again. For Bonuccio even the term "similarly" went too far. Only in the general congregation of 7 April was the decree finally approved. At this very latest moment *partim-partim* was replaced by *et-et*; thus the wishes of the minority were after all met in a decisive passage of the decree.

Even so it was extremely doubtful, up to the last moment, whether the Session could be held on 8 April. By the terms of the decision of 22 January, dogma and reform were to be discussed simultaneously and

every dogmatic decree was to be matched by a decree on Church reform. However, the completion of the reform decree, which had been under discussion for a whole month, appeared to be an exceedingly remote eventuality owing to the fact that in the general congregation of 5 April the Bishop of Bitonto, in his capacity of spokesman of the second commission, had added three supplementary articles to the commission's report on the four abuses which had been submitted on 17 March. It was easy to see that these three articles would provoke heated discussions. They ran as follows: (1) The study of theology is so much neglected that in consequence the teaching of youth and the instruction of the faithful languish. In order to breathe new life into the study of theology by the clergy the theological prebends which are already in existence in cathedrals must be applied to the purpose for which they were founded, and where there are no prebends, new ones must be created. A compendium must be drawn up for the study of theology which will also serve as an introduction to the study of Holy Scripture, while for the instruction of youth and the faithful a catechism is required. (2) While bishops and priests charged with the cure of souls frequently neglect to proclaim the word of God, there are others with no commission, especially members of religious Orders, who rely on their exemption, who spread errors and moreover give bad example. Hence it must be made a duty for bishops and parish priests to preach to the people on Sundays and holy days. As for religious, they may only preach in the churches of their Order with the permission of their superiors, but in all other churches they must have the approval of the bishop of the respective diocese, to whose correction they are subject should they spread erroneous doctrines. (3) Irreverent treatment of the word of God in literature, by superstitious observances, in coats of arms or on armour, must be punished as blasphemy.

The course of the discussion on these three articles in the particular congregations of 6 April made it perfectly clear that an exhaustive treatment was out of the question in the short time still available. True, the Bishop of Castellamare observed that not a single idea had been brought forward in the debate which had not already occupied the attention of the commissions, but it was equally certain that measures of reform which cut so deeply into the life of the Church required thorough consideration. For instance, would the small dioceses of Southern Italy be in a position to establish a theological prebend and to secure a qualified person for it? The Jesuit Lejay reminded the Fathers that it was not enough to see to the appointment of teachers

of theology, they must also be provided with students. Bonuccio on his part observed that the composition of a compendium of theology would demand at least a whole year; why not adopt Peter Lombard's *Book of Sentences*? Several prelates (Pacheco and the Archbishop of Aix, and the Bishop of Feltre) thought it excessive to lay on the bishops the obligation of preaching every Sunday of the year. It was not to be expected that the mendicant Orders would accept the subordination of their preachers to the bishops, or that the latter would agree to the exceptions from the rule (in churches of the Orders) which it was intended to concede. The existence of a strong tension, though a latent one, on this point appears both from the circumstance that the commission had not been able to agree about the inclusion of a commissary of the Orders when there was question of penal proceedings against preachers suspect of heresy, and from Cervini's concluding remark that the question of the right of correction in particular would be subjected to further examination. Pole's class alone seemed to have achieved unanimity in regard to the new articles.

The legates were now faced by the alternative of either postponing the Session, and thus providing material for the rumour-mongers, or of promulgating in that Session the decree on Scripture and Tradition, which was substantially ready, together with the reform decree against the four abuses, while keeping back, for the time being, the three additional articles. The legates welcomed the fact that in the general congregation of 7 April Pacheco, and all his followers, who had consistently tended to widen the framework of the reform decree as much as possible, advocated the second solution and carried the majority with him; but nearly all the members of the reform commission were opposed to the separation of the three articles.

The reform decree, which was read out by the Bishop of Bitonto in this general congregation, had undergone more than one alteration since the last debate. The Spaniards had complained from the beginning that in the first section the Vulgate was declared authentic while in the second it was said to need revision. Above all there was no agreement where, and by whom, this revision was to be carried out, whether at Trent by the Council, or in Rome by the Pope. In order to keep clear of these controverted questions the whole passage about the revision had been dropped, but on the other hand a section was added against the misuse of God's word. This new article was a pendant to the last of the three additional articles. In this new form the decree was passed without any serious objections. The commission was instructed to

give it its final shape in collaboration with the legates. The road for the fourth Session was open.¹

Visitors drawn by curiosity had come from as far as Venice in order to witness this Session, the first to decide important controversies. Towards eight o'clock in the morning some fifty-five prelates entered the cathedral of San Vigilio, that is, nearly twice as many as at the opening. Of late Trent had witnessed the arrival of new prelates almost every day, such as the Archbishops of Siena and Corfu, the Bishops of Piacenza, Rieti, Ascoli and the auxiliaries of Bergamo and Verona. The Spanish contingent had been reinforced by the arrival of the Bishop of Huesca, Pedro Agostino, a brother of the famous canonist Antonio. The Fleming Peter van der Vorst, the former nuncio for the proclamation of the Council of Mantua, now Bishop of Acqui in northern Italy, added strength to the as yet small group of prelates from beyond the Alps. As for France, there were goodly lists of prelates that could be expected, but not one of them had appeared in the flesh. On a special seat, at the upper end of the bishops' benches, at right angles to the legates, there sat enthroned, in the capacity of imperial envoy, a Spanish grandee, Francisco de Toledo, the cousin of Duchess Eleonore of Florence and a relative of Cardinal Juan Álvarez.² The legates had had to rack their brains not a little in order to find the place he claimed and which would be a visible expression of the Emperor's peculiar relationship to the Council, for they had to reckon with the fact that the King of France would come forward with similar demands as soon as ever he sent an envoy to Trent. Of a "corps diplomatique" there were as yet few signs, for apart from the Habsburg brothers only one prince had so far despatched an observer to Trent, namely Duke Cosimo I of Florence, but the latter's secretary, Pietro Camaiani, who had been staying at Trent since the middle of February, was not an ambassador but only an agent.

The Archbishop of Sassari who, as president of the commission, had had a share in the preparation of the first decree was the celebrant

¹ *Sessio* IV of 8 April 1546: *C.T.*, VOL. V, pp. 90-104; VOL. I, pp. 48 ff.; 534; VOL. X, pp. 445 f. The number of gentlemen (*nobiles curiales*) is given as nearly one hundred in Pandolfini's *Avviso* (State Arch. Florence, *Med.* 2966, fols. 218^v, 226^r-231^r). On the very day of the Session "trovandoci molto stracchi", the legates request the nuncio in Venice "che insti appresso la Ill^{ma} S.^{ria} per l'osservantia di questi decreti et maxime circa li impressori", Bibl. Ricci 4, fol. 68. Del Monte's signature does not appear.—For Camaiani's reports see H. Jedin, "La politica conciliare di Cosimo I", *Rivista storica italiana*, LXII (1950), pp. 346 ff.

² G. Buschbell, "Francisco de Toledo und seine Tätigkeit in kaiserlichen Diensten während des ersten Abschnittes des Konzils von Trient", *H. J.*, LII (1932), pp. 356-88.

of the Mass of the Holy Ghost. The preacher chosen for the occasion was the general of the Servites Bonuccio, in spite of the fact that in the previous debates on the dogmatic decree he had stood on the extreme wing of the opposition. His sermon contrasted with all previous discourses as regards both matter and form. Bonuccio's aim was to account for the situation in which the Church found herself—her internal need of reform and her external losses inflicted on her by the reformation—in the light of the theology of the cross. Linked as she is to Christ and His Spirit by faith in the gospel, the Church must regard the trials and persecutions with which God permits her to be afflicted as a cross—nay, the heresies themselves are a cross. The visible Church suffers indeed by reason of her unworthy members, the Judases and the hypocrites, the ambitious and the covetous—the deluge that has rushed in upon her for the last thirty years; but the invisible Church of God's children cannot come to any harm from all these things. The Sacred Scriptures to which her opponents appeal, and the apostolic traditions are on her side and on the Council's side. Bonuccio the theologian was not afraid to tell the assembly some bitter truths. He warned it against a schoolmasterly, narrow and rigid sticking to the traditional, but above all against anything like heresy-hunting. Let them beware of crying "heresy" as soon as a new idea was expressed, for in this way they would repress the *élan* of spiritual liberty. No less serious was yet another danger, namely that while discussing the reform they should forget the fundamental principle of the Catholic reform which required every one of them to begin the renewal with his own person. Lynx-eyed when looking for the faults of others, bishops and priests, princes and people are as blind as moles to their own defects. Unless we change our conduct, worse times will come upon us. "We know that Christ will not forsake His Church or suffer it to perish, but unless we put our hand to the task of reform here and now, another Nebuchadnezzar will rise and bring us to our senses." With a moving prayer to the Saviour, Bonuccio concluded a discourse in which boldness was matched by persuasiveness.

After the gospel of the false prophets had been sung (Matt. VII, 15 ff.) and after the invocation of the Holy Spirit, the celebrant himself read out the two decrees. The first put a full stop to the thousand-year-old development of the Biblical canon and countered the reformers' principle of "the Bible alone" with the principle of the traditions on faith and morals which go back to Christ and which came down to us, being passed on, "as it were from hand to hand" from the days of the Apostles, under

the guidance of the Holy Spirit. Infinite exertion had been required to crystallise this conception. The suggestion to discriminate between two separate currents of revelation (*partim-partim*) was put on one side. Above all, instead of defining the content of the current of Tradition by listing individual traditions, the decree connects it with the uninterrupted succession of the officials of the Church (*continua successione*) whilst its authority—after a lengthy discussion this way and that—was given parity with that of Scripture: all else was left to theological speculation.

In the second decree, commonly described as the “Vulgate decree” after its most important passage, “the ancient and wide-spread edition, tried by long and varied use in the Church”, was declared authentic, that is, reliable and furnishing dogmatic proofs for practical use in theological lectures and disputations as well as for the ministry of preaching. The basis of this authenticity is not the Vulgate’s agreement with the original texts, but the long use made of it by the Church.

The course of the debate, whose main lines we have followed, leaves no room for any doubt that when it published this decree it was not the intention of the Council to restrict the study of the original languages of the Bible, still less to stop it. The production of a revised edition of the Vulgate is foreseen but no definite statement is made about either the manner, or the place where the work would be done. The hotly controverted question of the translation of the Bible into the vernacular languages likewise remained unsolved. Holy Scripture may only be explained in the sense determined by the Church, its authentic interpreter, and confirmed by the unanimous consent of the Fathers. Not only editions and commentaries of the Bible, but all books with a theological content are subjected to a preventive censure by the ordinary. The misuse of the word of God for profane and superstitious purposes is expressly condemned.

A third decree fixed the next Session of the Council for the Thursday after Whitsunday, 17 June 1546. When the vote on the decrees was taken, only faint traces of opposition made themselves felt. Of the six prelates who gave a conditional *placet*, four (the Bishops of Capaccio, Fiesole, Badajoz and Huesca) complained only of the omission in the title of the Council of the clause, *universalem ecclesiam repraesentans*, on which they had insisted before, hence they had no objection to the decrees themselves. Only two prelates upheld their criticism of the parity of Scripture and Tradition, namely the coadjutor of Bergamo, who demanded the replacement of the expression “equal” by “similar”

or "agreeing with", and the Bishop of Chioggia, who instead of *placet* said *obediam*—"I shall obey".

Three months had gone by since the opening and the time had come when, by the terms of the laws governing General Councils, the assembly, to ensure its own authority, should have declared the prelates who had stayed away without adequate excuses to be *contumaces*, that is, absent without good reason. The subject had been mentioned in the general congregation of 7 April, but no formal decision had been arrived at, nor was it necessary, strictly speaking, since there was question of a generally recognised legal principle. However, when Cardinals Madruzzo and Pacheco and the envoy Toledo, in agreement, on this point, with the Archbishop of Aix, prayed the legates to put off the declaration of contumacy in consideration of the difficult situation of the Germans and in view of the prospective arrival of the French prelates, the promoter of the Council, Severoli, whose duty it would have been to propose such a declaration, secured the Council's agreement to its postponement.

Finally the Emperor's letter accrediting Francisco de Toledo, as well as the latter's written inaugural speech, which had already been heard in the general congregation of 5 April, and the Council's answer to it on 7 April, were read out once more by Massarelli. In this way these documents became part of the records of the Session drawn up by Massarelli, who, on this occasion, acted for the first time in the capacity of protonotary.

Ever since this fourth Session the meaning and bearing of the decree on Scripture and Tradition, and even more so the decree on the Vulgate, have not ceased to occupy the attention of theologians. Of Rome's reaction we shall speak presently. The sermon of the general of the Servites was followed by an epilogue which had actually begun in the course of the Session. Several members of the Council made no secret of their displeasure. Domíngo Soto, whose prestige was increased by his dual role of imperial theologian and representative of the general of the Dominicans, took the field against the sermon in the sharpest terms. Which of Bonuccio's doctrinal points he was attacking was never expressly stated, but we can easily imagine which they were, namely the conception of faith, in which he included hope and trust, and the doctrine of an invisible Church. But the chief motive for Domíngo's attack was undoubtedly Bonuccio's warning against heresy-hunting. The fact was that Soto had recently cast suspicion on the conciliar preacher, the Carmelite Marinarius, who had preached on the

fourth Sunday in Lent, on account of his teaching, hence he felt, not without reason, personally concerned and he succeeded in getting Cardinals Madruzzo and Pacheco, together with the imperial envoy, to demand that the legates should question Bonuccio in their presence. The legates, who obviously sympathised with Bonuccio, refused to act on such a suggestion; on the other hand they did not succeed in silencing Soto. Thereupon Bonuccio defended himself and in the meeting of the commission on 12 April demanded protection from Soto's attacks. The latter was accordingly sent for. He refused to repeat his earlier remarks until the manuscript of the sermon was handed to him. This Bonuccio declined to do, as was his right, but at the request of the legates he read it to the assembly. However, Soto stuck to his point—first the manuscript, then the criticism. The legates' attempt to put an end to the painful situation by means of a compromise led nowhere. On the other hand the legates were anxious to avoid formal proceedings against the preacher if at all possible, even when the Bishop of Castellamare insulted him by calling him a Hussite on account of his notion of the Church. The result was that the latter insisted all the more emphatically on the restoration of his good name. It would seem that Soto only formulated his objections at a second meeting which took place on 18 April, in presence of the Bishops of Fano, Bitonto, Bertinoro and Astorga, Del Monte presiding, and that Bonuccio answered them. Thus the incident was disposed of, at least for the time being.¹

Far more serious was a second epilogue. Cervini was firmly convinced that the decree on Scripture and Tradition had successfully stood its trial by fire and water and had triumphed over arguments that would have found favour even in Wittenberg. In the Vulgate decree too, he thought that every word was so carefully weighed that no opening was left for a cut-and-thrust attack on it. But Rome thought otherwise. The decrees were submitted not only to the Roman conciliar commission, but to all the cardinals, with a view to their opinion. But even before the official attitude of the two groups, the narrower and the wider one, became known, it was certain that it would be unfavourable, at least in respect of the Vulgate decree. The decree gave rise to grave misgivings in Rome, chiefly because the originally planned passage on the necessity of revising the text of the Vulgate seemed in the end to create the impression that it was regarded as free

¹ The dispute over Bonuccio's sermon in *C.T.*, VOL. I, pp. 535 f.; 538, l. 6; VOL. II, p. 383; see below CH. XII.

from error. Even Cervini's learned friend Guglielmo Sirleto, who shared the latter's opinion that the Vulgate frequently offered an older and better text than the Septuagint and the Greek New Testament, was astounded by the omission of any mention of the original languages of the Bible; he dreamed of the production of a model Latin Bible on the basis of the Hebrew and Greek texts. The sharpest censure was that passed by Gianbattista Cervini, Cardinal Cervini's Roman agent: "You have given no small scandal!" he said. "People in Rome are surprised and dismayed that you should speak of 'the ancient, familiar edition' without describing it more particularly (evidently, like many other people, Cervini did not regard the Vulgate as the work of St Jerome); but the worst is that there is not a single word in the decree about the necessity of a revision."

The most important points of the Roman criticism were crystallised in these remarks. It is plain that in Rome they were more progressive in matters concerned with the study of the Bible—but likewise more care-free than at Trent. By comparison with these objections to the Vulgate decree Farnese's remaining fault-finding with the result of the fourth Session is almost negligible, for example, that the declaration of contumacy against the absentees was omitted and the date of the next Session somewhat too distant. The legates, exhausted as they were by the exertions of the last few weeks, were bound to feel hurt by a remark of the Pope which Maffeo reported to them, namely that the result of the Session had been extremely meagre (*habbiate fatto molto poco*).¹

Without taking any notice of this observation, the legates, in their letters of 24 and 26 April, took the defence of the Vulgate decree which was the object of such violent controversy. It had been the unanimous intention of the Council to declare that the Latin Bible in use in the

¹ The letters of Farnese, Maffeo, Sirleto and G. B. Cervini, all dated 17 April 1546, in *C.T.*, VOL. X, pp. 462 f.; 891; 939; Cervini's view of the decrees of the Session, *ibid.*, p. 468; on the Vulgate, *ibid.*, pp. 446, l. 21 to 447, l. 7. Sirleto defended the decree but felt "che saria stato bene dechiarar meglio la cosa, parlando de la hebrea, de la greca e de la latina" (edizione). What he had in mind was a textual revision on the basis of these three languages. At Rome, however, they thought that the decree made no change in existing conditions (che niuna cosa de novo s'è determinato), *C.T.*, VOL. X, p. 939 (17 April 1546).—The only Protestant criticism we will mention is that made by Antonius Corvinus in the preface to the song "Vom Trientischen Concilio", *Briefwechsel des Antonius Corvinus*, ed. by P. Tschackert (Hanover 1900), pp. 201 f.: the canon set up by the Council, Corvinus alleged, rejected all the holy Fathers and the ancient Churches; it recognised 2 Macc. as authentic "because whatever ministers to their pleasure must be biblical, Christian, holy and good". As for traditions, "which they regard as no less than God's own words, they are to be taken up and practised once more".

Roman Church and covered by her teaching authority, was reliable, notwithstanding the fact that in many places it differed from the Hebrew and Greek texts, besides exhibiting faults of style. The authors of the decree were well aware of these blemishes, though these are often exaggerated; but in view of the Roman Church's freedom from error, they were unwilling to placard them publicly. Hence they had had in mind a revision carried out in silence, and such a revision they had been authorised by the Council to pray the Pope to permit. At a later date the revision of the Latin Bible might be followed by that of the Hebrew and Greek Bibles. Moreover, there was the possibility of getting the experts now at Trent to make an immediate start with the work of revision so that, as soon as possible, "a revised Bible may appear, by authority of the Pope and with the approval of the Council, for the everlasting preservation of our faith".¹

For us the most important element of this apology of the legates is that it defines the meaning of the decree. With all the clarity that could be wished for the legates, who were the most authorised interpreters of the intentions of the Council, declare that in drawing up the decree the assembly intended to declare the Vulgate, that is, the Latin translation of the Bible in use in the Roman Church, to be free of any dogmatic error. The Council does not in any way deny the need of a revision of the text, it even wishes to include the original texts in such a revision. It is necessary, however, to draw a careful distinction between this official explanation of the legates and Cervini's views as a private scholar on the value of the texts and on the procedure to be followed in the work of revision, for in them accuracy is mixed with error. On the meaning of the decree he is in perfect agreement with his colleagues. His proposal, in the particular congregation of 7 May, of the formation of a conciliar commission for the revision of the Vulgate, was discussed in the legates' conference of 10 May but was not given effect because the Roman objections had not yet been disposed of.

The Roman commission of cardinals persisted in their refusal to accept the Vulgate decree. "In its opinion", Farnese wrote on 29 May, "it would have been better to leave out the chapter on the authenticity of the Vulgate, but since it has been drawn up we must look for ways and means to tone it down (*temperare*), that is, to explain it further (*dichiarare*), for it is impossible to deny that in many passages the

¹ Cervini's defence of the Vulgate decree, *C.T.*, VOL. x, p. 468 (24 April 1546), that of the legates, *ibid.*, pp. 470 ff. On the project of a committee for a revision of the Vulgate at Trent, VOL. v, p. 128, l. 8; VOL. I, pp. 544, l. 39; 546, l. 15.

Vulgate departs from the certain Hebrew and Greek text and fails to render its meaning. These more serious defects, which must be traced back to the translator himself, are not to be removed by merely correcting the copyists' and printers' mistakes—however desirable such a correction may be in itself—while a revision of the Vulgate, on the basis of the original texts that might be considered, would be an extremely arduous task.”¹

The legates did not submit these weighty difficulties and proposals to yet another discussion. In their reply of 8 June they contented themselves with singling out the one point for which they had secured the agreement of the members of the commission; they prayed that the revision of the Vulgate should be taken in hand at an early date and asked for the production of an emended Latin Bible whose publication would silence the critics of the decree. Their wish remained unfulfilled, at least while the Council was sitting. The Louvain edition of the Vulgate published in 1547 by order of Charles V, was a private piece of work, not the official Bible of the Church which the Fathers of Trent had in mind. The decisive motive for Rome's passive attitude was undoubtedly the dissatisfaction with which authoritative circles in the eternal city viewed the decree of the fourth Session. On the other hand, immediately after the conclusion of the first two periods of the conciliar sessions, two of Cervini's familiars, namely the above-mentioned Sirleto and Nicolò Majorano, took up the work of revising the Greek New Testament and the Septuagint—a striking proof of the fact that, in the opinion of the conciliar legate who had been most deeply engaged in the drawing up of the Vulgate decree, that pronouncement did not exclude work on the original texts.

The question of a revision of the decree cropped up once more in the year 1561 when one of the opponents of 1546, Seripando, had become a cardinal as well as conciliar legate. At that time, and at his instigation, the College of Legates revoked the plan for a new printing of the Vulgate by the Venetian printer, Paolo Manuzio, who had been summoned to Rome for this purpose. For one thing no adequate preparations had been made for its execution. The motives now alleged by the legates clearly aim at a revision of the Vulgate decree which, in point of fact, had not yet been confirmed by the Pope. They

¹ The judgment of the commission of cardinals on the Vulgate decree in Farnese's letter of 29 May, *C.T.*, VOL. X, p. 507; the legates' concluding words on 8 June, *ibid.*, p. 519. The statement in Farnese's letter, (p. 507, l. 23), that the Vulgate decree had an anathema attached to it has been recognised as inaccurate by Höpfl, *Beiträge*, pp. 43 ff.

pointed out, firstly, that the decree did not define which was the *Vetus et Vulgata editio*, and they were undoubtedly thinking not only of the question of authorship but likewise of the *Vetus Latina*; secondly, they insisted that the decree prevented Catholic theologians from making use, in their defence of Catholic dogma, of scriptural texts not found in the Vulgate; and, finally, the decree affected unfavourably the study of the original languages. The second was the more weighty of these arguments because it was apparently aimed at the very purpose the authors of the authentication had had in mind. From a contemporary letter of Seripando to Cardinal Da Mula we gather that he desired an additional decree which would permit the use, for dogmatic purposes, of such Latin Bible texts as are not found in the Vulgate but have been handed down by the Fathers.¹ In itself there could have been as little objection to a resumption of the Vulgate decree by the Council as to the resumption of the sixth Session's decree on residence in the twenty-third Session. However, Seripando failed in his attempt to get the Council to take up the question of the Vulgate a second time. Pius IV confirmed the decree of the fourth Session just as he confirmed all the other conciliar decrees, without any alteration. The post-Tridentine story of the revision of the Vulgate up to the Sixto-Clementine edition of 1592, lies outside the framework of our presentation of the facts, but it is worth noting that that edition was paralleled and followed by efforts for a revision of the Hebrew and Greek texts of the Bible.²

¹ On the plan for a possible revision of the Vulgate decree, of the year 1561, see Höpfl, *Beiträge*, pp. 60 ff.; Jedin, Seripando, vol. 1, pp. 336 ff. (Eng. edn., pp. 294 ff.).

² For the antecedents of the Sixto-Clementine edition of the Vulgate it may suffice to refer the reader to *L.Th.K.*, x, pp. 703 ff.; on the efforts for the original texts, cf. J. M. Vosté, "De revisione bibliae hebraicae juxta votum concilii Tridentini", *Angelicum*, xviii (1941), pp. 387-94; *id.*, "De revisione textus graeci Novi Testamenti ad votum concilii Tridentini facta", *Biblica*, xxiv (1943), pp. 304-7; S. Tromp, "De revisione textus Novi Testamenti facta Romae a commissione pontificia circa annum 1616, praeside S. R. Bellarmin," *Biblica*, xxii (1941), pp. 303-6.

CHAPTER III

New Ways of Proclaiming the Faith : Biblical Studies and Preaching

THE sixth Session had not been able to come to a final decision on two of the additional articles which the second commission had submitted to the Council on 5 April. The aim of these articles was of the greatest consequence; it was nothing less than that the persons officially charged with the cure of souls, namely the bishops and the parish priests, should take a more active share in the proclamation of the faith than hitherto and that this proclamation should be more decisively based on Holy Scripture. The action of the committee was prompted by the fact that for the theological formation of the pastoral clergy no universally binding regulations were in existence, not to speak of institutions to that effect. By means of obligatory lectures on the Bible at cathedral churches, in the houses of study of religious Orders and in colleges (*gymnasia*), the secular and religious clergy were to become more thoroughly acquainted with the word of God. In order to make it easier to get hold of the doctrinal content of the Scriptures, students were to be provided with a short compendium of the dogmas of the faith (*introductio*, or *methodus*). A catechism must be drawn up which would serve as a guide for the instruction of children and the adult laity. The whole plan was inspired by a conviction that by raising the level of the theological formation of the pastoral clergy they would create the preliminary condition for a better religious formation of the people. The road thus taken was in full accord with the demands of the humanistic reform movement, namely, a return to "the sources" of the word of God, while the "methodus"—a thoroughly Erasmian notion—was to prevent the study of the text of Scripture from lagging behind speculation. In any case the "methodus" must on no account be thought of as a kind of *Catechismus Romanus*.¹

¹ Stegmüller's *Repertorium* has thrown light on the extent of Biblical studies and hermeneutics in the Middle Ages, but our knowledge of the methods adopted in this teaching leaves much to be desired. H. Rost, *Die Bibel im Mittelalter* (Augsburg 1939), pp. 114-25 ("The study of the Bible in the Universities and in monastic and grammar schools"), is a popular work; far superior to it is B. Smalley, *The Study of the*

The commission's chief aim was a reform of the ministry of preaching. Here too the ideals of Christian humanism were at work. St Paul's pastoral letters and the homilies and letters of Augustine and Ambrose, Basil and Chrysostom, provided a vivid picture of what a bishop should be—a preacher and a guide of souls. New life must be breathed into

Bible in the Middle Ages, 2nd ed. (Oxford 1952). Above all we know very little of what was accomplished outside the Universities and the houses of study of the religious Orders, for instance through the lecturers at cathedrals, as ordered by the fourth Lateran Council. Even more important than these medieval roots are the relations with humanism, especially with Erasmus, to which Allgeier, *H. J.*, LII (1932), pp. 323 ff., has very properly drawn attention. The *methodus* proposed in the original draft of the decree links up with Erasmus's work of the same name (text in H. Holborn, *D. Erasmus Rot., Ausgewählte Werke* (Munich 1933), pp. 175-305). It is not conceived as an introduction to the Bible, or as a work of hermeneutics in the modern sense of the word, but rather as a collection of *sententiae*, in accordance with a well-defined point of view—"ad quos omnia quae legeris velut in nidulos quosdam digeras". Melanchthon had a similar aim in mind in his *Loci communes* (1521), where he expressly mentions Peter Lombard in his introduction, though only to refute him. The Erasmian Nausea, in his memorial for the *Colloquium* of Worms, 1540, printed by Cardauns, *Reunionsbestrebungen*, p. 199, draws up a list of the books which should constitute the groundwork of the formation of the clergy, viz. the Bible, the *Sentences* of Peter Lombard, St Augustine's *De doctrina christiana*, St Thomas's *Compendium*, Erasmus's *De modo concionandi*. Two years later Albert Pighius, *Ratio componendorum dissidiorum* (Cologne 1545), fol. b 5^o, writes that it would be a good thing "si per eruditos piosque aliquot ad hoc delectos, auctoritate publica ea universa in locos aliquot communes luculenter explicata redigerentur". Whether Erasmians or not, it was the prime concern of the adherents of positive theology to promote Biblical studies, such as linked up with Christian humanism. As early as 1 March 1546, *C.T.*, VOL. I, p. 506, l. 14, Cervini blamed those theologians who derived what knowledge they possessed of the Scriptures, not from the study of the sacred volume, but from a study of its commentators "non ex ipso sacrorum librorum fonte, sed doctores sacros legendo ex eorum allegationibus". On this point he was in complete agreement with his chief adviser, Seripando. The *methodus* which Cervini and the compilers of the reform articles of 5 April had in mind was therefore a short introduction to theology which was to be no more than a help to the study of Holy Scripture. It is characteristic of the mental attitude of the members of the Council of that period that besides the books already available and which were adequate to the requirements, viz. the *Sentences* of Peter Lombard, the *Compendium* of St Thomas and the *Breviloquium* of St Bonaventure, mention was also made of Erasmus's *Enchiridion* and Rufinus's *Expositio in symbolum apostolorum* (wrongly ascribed to St Cyprian), *C.T.*, VOL. V, pp. 117, l. 21; 118, ll. 7 and 38, though not of Gropper's *Enchiridion* which was well known in Italy, or of Filippo Archinto's *De fide et sacramentis* (1545), which were a kind of prototype of the future catechism for parish priests in which current controversies were noted. For the first essays of a popular catechism previous to the reformation and the first Catholic catechisms of the period of the reformation, see *L.Th.K.*, VOL. V, pp. 880 ff.; for the Spanish catechisms of Mendoza, Talavera and Ximenes, see L. F. de Retana, *Cisneros y su siglo*, VOL. I (Madrid 1929), p. 279; for humanist attempts, e.g. Constantino, *Summa de doctrina christiana* (1543), see M. Bataillon, *Erasme et l'Espagne* (Paris 1937), pp. 574-80. For the Italian catechisms of the cinquecento and their preliminary stages, e.g., the *Libretto della dottrina cristiana* of St Antonine of Florence, see P. Tacchi Venturi, *Storia della Compagnia di Gesù in Italia*, VOL. I (Rome 1950), pp. 335 ff. For the method of theological teaching see R. Guelluy, "L'évolution des méthodes théologiques à Louvain d'Erasmus à Jansenius", *R.H.E.*, xxxvii (1941), pp. 31-144.

this ideal of a bishop. Where could bishops be found who regularly preached the word of God to their people? The fact was that preaching, especially in Advent and Lent—the traditional preaching periods in Latin lands—had become almost a monopoly of the mendicant Orders. Dominicans and Franciscans, Hermits of St Augustine and Carmelites occupied the pulpits not only of their own churches, but those also of parish churches and cathedrals. On account of their slender theological formation the overwhelming majority of the secular clergy and a great many parish priests were not in a position to appear in the pulpit.

However, as soon as the Council sought to control the preponderance of the mendicants in the ministry of preaching it found itself in the very midst of the dispute between the secular clergy and the mendicants in respect of pastoral work in the towns, and which had been a cause of tension during the last three hundred years. Backed by a strong central organisation and closely linked to the Papacy, the mendicant Orders had preached and exercised the pastoral ministry on the basis of their apostolic privileges. A condition for their activity as well as its reward was their almost complete exemption from the jurisdiction of the bishops. To preach in the churches of their Orders they needed no episcopal approval; but since the pontificate of Boniface VIII they were only allowed to preach in cathedrals and parish churches with the permission of the respective ordinary or the parish priest. However, in virtue of privileges which Sixtus IV had granted to the Franciscans and the Dominicans in the previous century they were not subject to the bishops' corrective authority. They were a state within a state, so to speak, and in any dispute with this powerful, world-embracing organisation, an individual bishop was from the first the weaker party. He remained so even after certain symptoms of internal disintegration, and the anti-monastic propaganda which had set in at about the middle of the fifteenth century, had weakened the moral influence of the Orders. Already at the fifth Lateran Council the bishops had taken defensive action against the mendicant Orders' preponderance in the cure of souls in the towns. As the result of some heated discussion a compromise had been arrived at in the eleventh Session (19 December 1516). The decree on preaching issued on that occasion went some way to meet the bishops' demands. It was to the effect that a preacher belonging to a religious Order was bound to show his superior's licence to preach to the ordinary of the diocese in which he happened to be preaching, should the latter demand it. By this decree the bishop became indeed a formal controlling authority, but as far as we are able to ascertain at this

time, it did not lead to a real strengthening of episcopal influence. The position of the mendicant Orders was only shaken when certain preachers from their ranks, more or less influenced by Protestant ideas, gave rise to suspicion, scandal and disputes, while their respective superiors, from motives which it is easy to understand, did not always intervene promptly and effectively. The Curia countered these conditions with the creation of the Roman Inquisition in 1542, while at the same time strengthening the authority of the bishops. When in 1540 Paul III urged the bishops then in Rome to observe the duty of residence, these prelates laid their complaints and their demands before the Pope. One of their demands was that in future no preacher, even if provided with apostolic authorisation, should be allowed to appear in the pulpit unless he had first presented himself to the ordinary of the place and had been found suitable by him. The reform Bull *Superni dispositione consilii*, which was drafted on the basis of the bishops' grievances, accordingly laid down the principle that no one was authorised to preach on the ground of apostolic privileges, unless his superiors had first presented him to the ordinary and the latter had approved him.¹ In this way the bishops would have been granted more than a formal control; they would have had a right to judge in their turn of the suitability of exempt preachers. The Bull was never given force of law, hence no change occurred in existing conditions, but it testifies to a tendency which, on the eve of the Council, was at work in the Italian

¹ Thanks to the labours of Falk, Landmann, Pfleger, Buchner and, more recently, Th. Freudenberger's *Der Würzburger Domprediger Dr. Johann Reyss* (Münster 1954), pp. 8-38, we are relatively well informed about the organisation of the ministry of preaching in Germany in the Middle Ages, especially about the very active participation of the parochial clergy, as well as on prebends for preachers, which became ever more numerous in the course of the fifteenth century, and on the frequency of sermons. For England we have G. R. Owst's *Preaching in Medieval England* (Cambridge 1926). On the other hand much remains to be done for a study of preaching in Italy and Spain which concerns us particularly. There is a useful bibliography in B. A. Mehr, "De historiae praedicationis, praesertim in Ordine Fratrum Minorum Capucinatorum, scientifica peruestigatione", *Collectanea Franciscana*, XII (1942), pp. 25-32; P. Tacchi Venturi, *Storia della Compagnia di Gesù in Italia*, VOL. I, pp. 291-307. According to J. Goñi Gaztambide, *Los Navarros en el Concilio de Trento y la reforma tridentina en la diócesis de Pamplona* (Pamplona 1947), pp. 153 ff., Pacheco ordered the parish priests of the diocese of Pamplona, as early as the year 1540, to explain the gospel on all Sundays of Lent and Advent and to get the people to repeat on all the other Sundays those things which everyone should know by heart, viz. the *Pater Noster*, the *Ave Maria* and the Creed, so as to imprint them upon the memory. On the antecedents of the dispute between the bishops and the exempt Orders with regard to preaching see Jedin, *History of the Council of Trent*, VOL. I, pp. 136 f., (Eng. edn.); also *id.*, *Seripando*, VOL. I, pp. 342 ff. (Eng. edn. pp. 342 ff.); for the bishops' demands in 1541 see *C.T.*, VOL. IV, pp. 483, l. 5; 491, l. 9. On the draft of a Bull composed before *Sessio V*, *C.T.*, VOL. XII, pp. 573-6.

episcopate and even more so in the Spanish one. It was to be expected that the bishops, now gathered in considerable number in Council, and supported by that assembly's authority, would strive their utmost to secure that which they had failed to obtain five years earlier.

The two reform articles of 5 April, therefore, did not by any means touch only the fringe of Church reform, on the contrary, they tackled essential tasks of the ecclesiastical revival. However, the very first discussion in the particular congregation of 6 April gave a hint of the obstacles which every conciliar reform, that is, any general Church reform, would have to encounter. These difficulties were due to the peculiar circumstances, to the spiritual as well as the material conditions in which the Church found herself at the time and which differed from country to country. Thus the establishment of a lectureship in Holy Scripture did not in every instance depend on the good-will of a particular bishop; it was also a question of the financial situation of his diocese. "There can be no question of laying such a burden on the small, poverty-stricken dioceses of the Kingdom of Naples," the Bishop of Motula in Apulia protested, "*Pater Noster* and *Ave Maria* are enough for them." As a matter of fact, how could they raise an annual sum of sixty ducats, the prospective salary of a lecturer? Nor could anything be hoped for from a bright idea of the general of the Servites that the local bishop should be made to contribute ten per cent of his revenues for the simple reason that it was impossible to suggest such a curtailment of their income—which was small enough already—to the majority of the bishops of Southern Italy.

Hence, instead of the establishment of new theological prebends in cathedrals in which none existed, Pacheco and Campeggio suggested that the first prebend to become vacant at any time should be bestowed on a graduate whose duty it would be to lecture on Holy Scripture. "But", Seripando objected, "will not the execution of the prescription run the risk of being indefinitely delayed, namely as often as papal provisions and expectancies should intervene? The suggestion of the two prelates would only makes sense if the Pope expressly renounced his rights in this respect." This he eventually did.

Since the bishop is the official teacher in his diocese, the demand that he should preach on all Sundays and holy days made sense and could be given effect in Italy where every town of some size had its own bishop; but to the Spaniard Pacheco and to the Frenchman Filheul it seemed excessive, like that other demand that the bishop should control the catechetical instructions of the parish priests month by month.

Campeggio thought that even in a diocese of moderate size such as Feltre, so constant a control was not practicable. On the other hand the Bishop of Bertinoro wanted to lay on the bishops the duty of preaching every day!

Throughout this debate Thomas Casellus, a Dominican and a man in close contact with Cervini and Massarelli, made surprising and extremely progressive proposals, though some of them were hardly capable of execution. He strenuously maintained that the study of the Bible was not a preliminary step but the very purpose of education, and in religious houses of study these studies must be the concern of the rector. Such was the general determination to give preference to the study of the Bible that the Bishop of Belcastro saw even in the introduction of a "methodus" a possible disadvantage for this all-important study. The great question was whether, by reason of their finding themselves in the thick of controversy with Protestantism, they could abandon a systematic training which, in this case, meant the scholastic system. It was a remarkable circumstance that it should have been a member of a mendicant Order, namely the Servite general, who expressed his misgivings about such far-reaching reform plans. His advice was that Peter Lombard's *Sentences*, that manual of scholasticism, should continue to be used in the schools. This shows that Bonuccio was by no means the crypto-Protestant he might have been suspected of being because of the opinions he expressed in the debate on Tradition and in his sermon at the beginning of the Session.

The first debate on the reform of the proclamation of the faith revealed the strength at the Council of the advocates of a progressive reform. These men were all cast in a humanistic mould. What they urged was nothing less than a revolution in theological studies under the banner of humanism. The practical step foreseen in the decree, namely the foundation, or the revival, as the case might be, of the Biblical lectureships prescribed by the fourth Council of the Lateran in 1215, was not an adequate means to that end. It rested on the assumption, which was often on the lips of conservative reformers, that in order to reform the Church, no new laws were required, that it was enough to give effect to the existing ones. But it was not possible to build up a reform such as the times required on such a basis. In its third period the Council directed the training of the clergy along new lines by its legislation for the erection of clerical seminaries, but in so doing it did not take into account the humanistic tendencies which, at the opening of the Council, had been so much to the fore. As a matter of fact, the

bishop as the authentic preacher and teacher in his diocese was an ideal figure of the humanistic reform movement, whom we meet in the "Mirrors" of bishops, and the biographies of the fathers of the Catholic reform. This ideal figure of a bishop stands in the background of the controversy between the bishops and the exempt Orders on the subject of preaching. This dispute grew in sharpness as the debate proceeded. The fact is that this controversy was more than the continuation of the dispute between the secular clergy and the mendicants over their respective rights in the pastoral ministry—a dispute which had begun in the Middle Ages—it was the resumption by bishops and parish priests of their pastoral activities. If we keep these facts in mind, we shall easily understand why no decision on the additional articles could be reached in the fourth Session.

Nor was the legates' hope that these articles might be examined before the Easter break destined to be fulfilled.¹ On 12 April the

¹ The fullest account of the antecedents of the so-called "preaching decree" is given by J. E. Rainer, "Entstehungsgeschichte des Trienter Predigtreformdekretes", *Z.K.Th.*, xxxix (1915), pp. 256-317; 465-523. Unfortunately he does not take into account the discussion of ways and means for the improvement of Biblical studies which, as I am endeavouring to show, is intimately connected with the reform of preaching; nor is he sufficiently acquainted with concrete conditions, especially in Italy and Spain, which alone makes it possible to understand many of the observations made at the Council. The connection between the discussion of the lectureships in Scripture and the humanistic efforts for a reform was recognised by H. Allgeier, "Das Konzil von Trient und das theologische Studium", *H.Ź.*, LII (1932), pp. 313-39; cf. *id.*, "Erasmus und Kardinal Ximenes in den Verhandlungen des Trienter Konzils", *Spanische Forschungen der Görres-Gesellschaft*, IV (1933), pp. 193-205. The development of the draft of the preaching decree starts from the proposal of 5 April 1546, *C.T.*, VOL. V, pp. 72-5, in which *abusus* and *remedia* were still kept apart. On 12 April it was formulated as a decree, *C.T.*, VOL. V, pp. 105-8, by the commission, *ibid.*, p. 28, and the legates, who had probably discussed it with the Bishops of Bitonto, Belcastro and Bertinoro, VOL. I, p. 534, l. 26. This is Form I; cf. *C.T.*, VOL. I, p. 535, l. 34. This Form I was discussed in the classes of 13 April and in the general congregation of the 15th, but not completed. Of the corrections suggested by the three classes in the course of the latter assembly only those of Cervini's class have been preserved, *C.T.*, VOL. V, pp. 113 f. The tension between the bishops and the religious within the commission may have been the reason why during the Easter pause the legates, on 29 April, took the draft into their own hands, with the assistance of two experts, viz. the Bishop of Bitonto and Pighino, VOL. I, p. 542, l. 24. On 30 April, Cervini and Pole gave their observations in writing on Form I as revised by Del Monte and the Bishop of Bitonto, VOL. V, pp. 122 ff.; on 2 May it was discussed in a conference of the legates. The "quattuor capita in quibus erat difficultas", VOL. I, p. 543, l. 29, are not expressly mentioned. After yet another revision by Del Monte and the Bishop of Bitonto on 3 May the draft was separately submitted to each member of the commission, convocation of which was dispensed with owing to torrential rain. The corrections introduced by the Bishops of Fano, Sinigaglia, Castellamare and La Cava were then embodied in the draft by Del Monte and Massarelli in a three hours' session, VOL. V, pp. 125 ff., after which the secretariat executed copies which were taken to each of the prelates by the secretaries (Form II). On the basis of observations made in the classes of 7 May, and in the general congregation

commission formulated them in a decree. On the next day they were submitted to the classes and on 15 April to the general congregation—much against Del Monte's wishes, who would have preferred to send them back at once to the commission.¹ In the course of the debate a number of new ideas and questions came to the surface, such as whether the Council should make it obligatory for the Orders, especially the Dominicans, to give preference to the study of Scripture over that of scholastic theology, or whether it should be left to themselves to take appropriate measures. Another question was whether the composition of a "Methodus" should be entrusted to the University of Paris or to a group of universities, or whether for the performance of the task a conciliar commission should be set up, while no mention of the fact would be made in the decree. Should such parish priests as are incapable of preaching be provided with a collection of homilies, explaining the gospels of Sundays and holy days, which they would read to the congregation instead of a sermon; or should one or more preachers be appointed to preach the word of God in such localities of every diocese as were not otherwise provided for? Pacheco and many other bishops thought it excessive to extend the bishop's duty to preach to every Sunday and holy day and to punish its neglect with a fine. Others, such as the Bishops of Badajoz, Bertinoro, Aquino, as well as Domínguez Soto, who as representative of the Dominican general had both seat and vote, regarded a mere exhortation that the bishops should apply themselves to preaching as ineffective, and this not without good reason. The Council gradually realised that what mattered, not only in connection with the establishment of lectureships, but with the general reform of the proclamation of the faith, was that every diocese should have at its head a bishop filled with pastoral zeal and who personally

of the 10th (*see Summarium* in 8 points, *C.T.*, VOL. v, pp. 140 f.) the jurists revised the draft, VOL. I, pp. 546, l. 32; 547, l. 41. The text of this new formula (Form IIA), which was despatched to Rome on 15 May (*ibid.*, p. 548, l. 7) has not been preserved. The general congregations of 18, 20 and 21 May apparently only discussed the 8 points. The last known preliminary draft (Form III) is the one submitted on 15 June (VOL. v, p. 226) the text of which was settled in the legates' conference of 11 June, VOL. I, p. 553, l. 34.

¹ The classes of 13 April and the general congregation of the 15th, *C.T.*, VOL. v, pp. 108-21; VOL. I, pp. 50 ff. The legates' report of 15 April, VOL. x, pp. 460 f., gives no details of the course of the general congregation, but one important observation is recorded: "S'è potuto vedere un commune consenso che s'avesse a trattare della residentia de' vescovi e delli impedimenti." The standpoint of the generals of Orders is explained in Seripando's letter of 15 April to Cervini, *C.T.*, VOL. x, p. 457, and in Audet's treatise, VOL. XII, pp. 577 f., though the date—June—can hardly be correct.

resided in his diocese. The problem of the duty of episcopal residence was rising on the horizon.

The representatives of the mendicant Orders voiced their objections to the widening of the bishops' rights of supervision of religious preachers which was foreseen in the draft of the decree. The most distinguished among the generals of Orders, Seripando, who was even a member of the commission, had gone to Venice on 9 April, with leave of the legates, on business of his Order and had only returned to the city of the Council on 18 May. Before his departure Seripando had informed Cervini of his dissatisfaction with the draft of the decree because by its terms the mendicant Orders were handed over to the bishops. In his *Little Tractate on Preachers*, Nicholas Audet, the general of the Carmelites, sought to reduce the bishops' control of regulars in the pulpit to a minimum. In the general congregation the Servite general asked why, by means of letters of recommendation by their superiors, to be renewed annually, an attempt was being made to oblige preachers in the churches of their own Orders to appear before the bishops? Even prelates of high standing, men like Cardinal Pacheco and the Archbishops of Aix and Matera, spoke in favour of the existing privileges of the Orders. The question also came up, to which impartial authority appeal would have to be made if differences of opinion were to arise in the course of proceedings against a regular preacher suspect of heresy, which according to the draft of the decree were to be conducted jointly by the bishop and the appropriate religious superior. Was the metropolitan to be called in, or a neighbouring bishop, or else the Inquisitor?

A different tone, and a sharper one, was sounded in the debate when the Bishop of Fiesole came to speak. We already know this prelate as a determined champion of episcopal rights. "Shall religious preach in their churches without being commissioned by us, the bishops?" he asked. "In that case we shall allow the wolves to get access to the sheepfold, not indeed by the main entrance but by the back door! Never shall I consent to such a thing, on the contrary, should the Council take such a step, in the consciousness of my innocence I shall appeal to the tribunal of Jesus Christ."

The Bishop of Bertinoro protested at once that a religious licensed to preach by his superiors, hence ultimately by the Pope himself, could not be said to be a wolf who broke into the episcopal fold. "What would have become of the Church of God if the regulars had not made good the bishops' sins of omission in the cure of souls?" "And what would

happen now", Del Monte added in winding up the debate, "if the regulars were to give up preaching?" Everybody knew the answer: the pulpit would be empty. No one could deny that the rights of the mendicants were based on genuine achievement and that the secular clergy, at least in Italy, had no similar performance to their credit.

In the April debate the final chapter of the draft—a miniature mirror for preachers—met with but slender opposition. Preachers were warned against discussing in the pulpit God's unsearchable judgments, that is, predestination, and against straining after effect by means of curious stories and mere legends. Warnings of this kind were only too well justified; very serious too was the question raised by the Bishop of Feltre, whether it was at all permissible for a preacher to treat of controversial matters in the pulpit, for there was a danger that he would pull down more than he would be able to build up, and after all, the last end of preaching was the edification of the listeners (*aedificatio audientium*).¹

There was complete unanimity in the disapproval of religious living outside their cloisters and of "that species of people called 'collectors of alms'", who could not be suffered to meddle with the ministry of preaching. On the other hand a number of the Fathers, probably out of consideration for those who proclaimed the indulgence granted to the contributors to the building of St Peter's, were of opinion that a prohibition of this kind should be previously submitted to the Pope.

When after the Easter break the legates recast the decree on the basis of the April debate and, at first, without the co-operation of the commissions, they kept in mind a remark made by the Bishop of Capaccio on 15 April, that the Council must not on principle decree anything to

¹ The short "Mirror of preachers" appended to the list of abuses, *C.T.*, VOL. V, p. 75, and embodied in Form I (*ibid.*, pp. 107 f.), and Form II (*ibid.*, p. 127), was omitted in Form III (*ibid.*, pp. 226 ff.) and in the final decree. It is not a kind of survival of the medieval *artes praedicandi* (cf. the catalogue of H. Caplan, *Medieval "Artes praedicandi"* (New York 1934); its aim is to meet the difficulties created by Luther's activities and the spread of his teaching in Italy, by such means as, for instance, the prohibition of *contentiosae disputationes* and the discussion of the *incomprehensibilia judicia Dei*, that is, predestination, and a warning against treating *quae re ipsa conjuncta sunt . . . velut disjuncta*, a warning that surely refers to the problem of faith and works. Predecessors of this "Mirror of preachers" are Contarini's *Modus concionandi* (1539) for the diocese of Belluno (Dittrich, *Regesten*, 305-9) and the instruction on preaching also composed by Contarini, by the Pope's order, in 1541. This was printed in 1542 as *Litterae pontificiae de modo concionandi* and reprinted as the work of Pole, in *Quirini Epistolae Poli*, VOL. III, pp. 75-82; finally Pole's own unfinished work *De modo concionandi*. The plan for a *Forma praedicandi*, which was dropped in 1546, was once more taken up by Julius III, *C.T.*, VOL. XIII, pp. 1; 284-7.

which it was impossible to give effect. The consequence was that the draft of the new decree which they submitted to the Fathers on 6 May, after it had been passed by the commission,¹ made no mention of the creation of new theological prebends, nor of a fixed minimum salary of sixty ducats. The legates contented themselves with charging the bishops to appoint, in conjunction with their cathedral chapters, a "suitable theologian" who should receive "an appropriate remuneration". If adequate means were not available, the appointment of a teacher of grammar would suffice, as was already foreseen by the fourth Lateran Council. On the houses of study of religious Orders and the universities the duty was laid of making provision for lectures on Holy Scripture. "Methodus" and catechism were no longer mentioned. The idea of obliging bishops to preach on certain days, and to punish their neglect of this duty with a fine, was dropped. The prelates were even advised to have themselves replaced in the pulpit. The right to authorise regulars to preach in churches other than those of their own Orders was granted to the bishops in a clearer form (the equivocal term *vocatus* being omitted). Parish priests were empowered to do so for their own churches. Regulars preaching in their own churches would need a permit from their superiors, to be renewed annually. This they were to exhibit personally to the bishop in the cathedral city, and elsewhere to the rector of the principal church. The intervention of the parish priests undoubtedly eased the position of the regulars and meant a weakening of the bishops' influence, nevertheless the bishop was authorised to forbid regulars who "spread errors or gave scandal" to continue their preaching and if they propounded open heresies to arrest them and to start proceedings against them in accordance with the prescriptions of the existing law. Thus there was no longer any question of calling in a commissary representing the Order.

In the negotiations in the classes on 7 May and in the general congregation of the tenth of the same month, two tendencies made themselves felt; one was to extend once more the bishops' right of supervision of regular preachers beyond the limits set by the draft and to supplement at once the decree on the study of the Scripture and on preaching laid before the assembly, by a decree on the bishops' duty of residence.² There was almost complete agreement in rejecting the

¹ Form II of the decree on preaching in *C.T.*, VOL. V, pp. 125 ff.; for its formulation see above, p. 105, n. 1.

² Classes of 7 May and general congregation of 10 May: *C.T.*, VOL. V, p. 131, ll. 15-26; the five points there put together are the joint result of the particular congregations and not merely the result of that of Cervini, the protocol of which is on pp. 528 ff.

right of parish priests to grant to regulars licence to preach, particularly during the two principal preaching seasons, Advent and Lent. As a matter of fact such a concession would have been a mere formality. But the bishops went even further. They now claimed the right to examine in their turn preachers already licensed by their superiors (*ab ipso etiam episcopo probari*), as well as the sole right to proceed against heretical preachers, and the right—against which there was to be no appeal—to forbid them to preach. Their intention, therefore, was to secure the demands made by them in the year 1541, and to extend them. Heavy storm-clouds were gathering on the horizon of the Council.

The other question was to this effect: "How can we entrust to the bishops the training of their clergy and the supervision of everything connected with the proclamation of the faith, when so many of them do not even reside in their dioceses?" For a period of eighty years, Pacheco declared, his former diocese of Pamplona had not seen its bishop because its occupants were invariably cardinals.¹ Accordingly, already in the classes of 7 May, nine bishops demanded a debate on the duty of residence even before the final formulation of the decree on preaching. In the general congregation of 10 May Cardinals Madruzzo and Pacheco took up an idea that had been repeatedly enunciated, and with particular energy in the general congregation of 15 April. It was to the effect that there was an undeniable, intrinsic connection between the proclamation of the faith and the duty of residence, since only a bishop in residence could carry out the duties laid on him by the decree on preaching. For all that, the demand for a discussion by the Council of the bishops' duty of residence, even before the above decree was

A comparison of Severoli's report of 10 May, *C.T.*, VOL. I, pp. 52-6, and the supplementary reports, VOL. X, pp. 481 f.; 485 f., with Massarelli's protocol, VOL. V, pp. 132-6, clearly shows the superior quality of the promoter's reporting over that of the conciliar secretary. The discussion between Del Monte and Madruzzo, which was of the utmost political importance, the invectives of the Bishop of Fiesole against the Orders, which were fraught with weighty consequences, and Pole's concluding observations, are fully reported by the former whereas Massarelli makes no more than a brief reference to them. For the adoption by the bishops of the title *Vicarius Christi* (up to the early Middle Ages, cf. M. Maccarrone, *Vicarius Christi* (Rome 1952), pp. 75 ff., and for the change brought about by the Gregorian reform, pp. 85 ff. The legates' report of 4 May on the diplomatic step taken by Francisco de Toledo, *C.T.*, VOL. X, pp. 478 f. The reports of 7 and 10 May show that the legates hoped to conclude the discussion of the decree on preaching on the 10th, *ibid.*, pp. 480; 483 f.

¹ Pacheco's assertion, *C.T.*, VOL. I, p. 54, l. 25, that the diocese of Pamplona had not had sight of its bishop for a period of eighty years is only slightly exaggerated. The historian of the diocese, J. Goñi Gaztambide, *Los Navarros en el Concilio de Trento y la reforma tridentina en la diócesis de Pamplona* (Pamplona 1947), writes on p. 138: "Durante 60 años (1481-1540) la Diócesis estuvo regida no por pastores, sino por mercenarios."

disposed of, was a political move, and a first-class political move at that. The fact was that on 2 and 3 May the imperial ambassador, Francisco de Toledo, had paid a separate visit to each of the legates, when he communicated to them the Emperor's wish that the discussion of dogma should make room for that of reform. The immediate start of the debate on the duty of residence would have met that wish. For the first time since the Council had got into its stride the Emperor sought to exercise a direct influence on the course of its discussions. The political close season for the Council was at an end.

Francisco de Toledo had allowed it to appear, and the merely officious form of his *démarche* confirmed the view, that the Emperor was not making a formal demand, still less one resembling an ultimatum, but was ready for discussion. This made it easy for the legates to cast their view, which had been negative from the first, in an acceptable formula. Their position would, of course, have been much stronger if they had been able to exhibit the conciliar decision on the parallel discussions of dogma and reform in the form of a decree sanctioned with due solemnity. But they possessed no such decree. On 4 May they asked for instructions from Rome but while waiting for a reply they took good care not to allow the reins of the direction of the Council to be wrenched from their hands *via facti* by an imperial party which was taking shape. This political background accounts for the tempestuous course of the general congregation of 10 May.

It began with a collision between Del Monte and Madruzzo for a seemingly trivial motive. The representative of the King of Portugal, the Dominican Hieronymus ab Oleastro, had complained to Madruzzo that his king's letter to the Council still remained unanswered; this had given rise in Portugal to the notion that the assembly had not as yet got really under way. Madruzzo accordingly moved that the answer, which had been drafted long ago, should at last be despatched. Del Monte, who had met Madruzzo on a walk on the previous evening, took offence at the fact that the latter had not breathed a word about his intention to bring up the matter on the following day and declared that only the absence of postal facilities had so far prevented the despatch of the letter of reply which would have to be signed by the legates. In cutting terms he rejected Madruzzo's mention of the subject as constituting an attack on the legates' exclusive right of making any proposition to the Council. The latter angrily retorted that it had not entered his head to question the legates' ruling authority, but for all that he felt bound to insist on his right to bring up a matter like the present for discussion as occasion

served (*incidenter*). Amid the startled silence of the assembly four prelates of the imperial group gave him their support, namely the Bishops of Astorga, Badajoz, Capaccio and Lanciano. However, Del Monte insisted that though any prelate was free to offer suggestions for the programme of the discussions, these must nevertheless be first submitted to the legates.

Hot on the heels of this first collision with Madruzzo there followed one with Pacheco. With a view to speeding up the tempo of the negotiations, Del Monte proposed that the decree be sent back to the commission without a fresh debate and that they should vote by Yes or No on the alterations that had been made. This was opposed by Pacheco, who also complained that the summaries of the sittings of the classes which had been read out at the beginning of the general congregation, contained only the proposed alterations but not their motivation. This deprived the prelates of the possibility of revising their opinions in a given case. "But in that case we shall never come to an end", the president remarked impatiently while pushing towards Pacheco the sheet of paper which contained the proposed subject of discussion—original sin. This was the very thing Pacheco was anxious to delay! Without allowing himself to be ruffled in any way, he insisted that at the very least all the prelates must be given an opportunity to speak on the proposed reform, hence also those members of the commission who were in the habit of refraining from voting at the sittings of the classes, such as the Bishops of La Cava and Bitonto, both of whom belonged to the president's class. While Cava renounced his right to speak, the Bishop of Fiesole, encouraged by Pacheco, asked to do so. He had already made a fresh attack on the Orders at the session of the classes; now he pronounced an impassioned speech against the proposed reform decree. "With its hair-splitting clauses", he exclaimed, "the decree leads not to the removal of abuses but to their confirmation. The exempt Orders have usurped the rights of the bishops. Unless these are fully restored to the bishops (*in integrum*), they cannot carry out their office of vicars of Christ. They are reduced to testing the genuineness of the preaching licences issued by generals of Orders, but are unable to prevent bad religious preachers from instilling poison into the people from the pulpit."

Del Monte did not fail to lay on Pacheco some of the responsibility for this outburst of the temperamental and zealous, but immoderate and unjust man, and this before the whole assembly which betrayed its pained feelings, though it was impossible to ascertain the innermost

thoughts of most of them. The draft of the decree of 7 May, which was the subject of this attack, was actually a compromise, but at least in view of the bishops' corrective authority over preachers, it was a compromise that favoured the ordinaries. It would have been an injustice to deprive the mendicant Orders of their well earned rights with a stroke of the pen and to drive them, if possible, from the field in which they had laboured since the thirteenth century. It was undoubtedly true that their exemption considerably restricted the authority of the bishops, but among the many exceptions which crossed the jurisdiction of the ordinaries at that time, this was the best, because it was based on achievement. Pole was absolutely right when, in his admirably balanced concluding remarks, he asked the Bishop of Fiesole where the bishops would find their collaborators in their pastoral work if the Orders were to be excluded?

In the Bishop of Fiesole's invective Del Monte saw a direct attack on the Pope's primatial authority. He made him repeat his statement, that the bishops could claim the title *vicarius Christi*—a title which since the Gregorian reform had been exclusively reserved to the Pope. He also asked him whether he upheld the appeal to the tribunal of Christ made by him in his first speech on 15 April—from a formal juridical point of view such an appeal excluded the visible Church as the highest tribunal. The Bishop of Fiesole, who apparently failed to see that the purpose of these questions by the president was to obtain authentic legal data for future judicial proceedings against him, ingenuously declared that he had forgotten the appeal to the tribunal of Christ but cautiously added that it did not bear the character of a formal appeal; that when he made it, he had merely wished to ease his conscience. Nor did he refuse to submit the text of his speech to the legates, by whom it was forwarded to Rome. We must assume that both Cervini and Pole were perfectly clear in their own minds about the grave motives which militated against formal judicial proceedings, whether by the Council or by another tribunal, which could only be the Pope. In any case the legates suggested to Farnese to get this inconvenient personage, who had been a cause of trouble from the beginning, out of Trent, by some means or other.

The stormy general congregation of 10 May had not resulted in the conclusion of the debate as the legates had hoped. The delaying tactics of the imperialists had proved successful. The canonistic advisers of the legates, the auditor Pighino, the consistorial advocate De' Grassi, the promoter of the Council Severoli and the abbreviator Buoncompagni summed up those questions about the decree which still remained open in eight points which were communicated to the prelates

on 13 May. They were to be discussed in three general congregations, on 18, 20 and 21 May.¹ In these Madruzzo took no part, for at the Emperor's request he had left Trent on 12 May in order to attend the Diet of Ratisbon while 14 May witnessed the arrival from Germany of the Dominican Ambrosius Pelargus, the proctor of Johann Ludwig von Hagen, the Archbishop of Trier. On 20 May the latter took part in the negotiations with a consultative, but not a decisive vote. These changes in the personnel led to no shifting of the relative forces at the Council.

With the convocation of the general congregation of 18 May the Council silently underwent a change in its procedure when it was decided not to submit the eight points to the classes, as had been the custom until then. These classes were thus dropped from the conciliar programme of work without a protest. From informal gatherings at which opinions could be freely exchanged and debated, these meetings had developed into doublets of the general congregation and, as could be seen by Pacheco's intervention on 10 May, they had become a most welcome instrument of the imperial delaying policy. Through Maffeo, Cervini had learnt that in the classes the Pope saw the greatest hindrance to a speedier progress of the Council. This hint, combined with the legates' own experience, put an end to an arrangement which had been questioned from the beginning.²

¹ General congregations of 18, 20 and 21 May 1546: *C.T.*, VOL. V, pp. 143-61; VOL. I, pp. 56-61; Massarelli's *Diarium III* for the preliminary work, VOL. I, pp. 546 ff. As was observed on p. 105, n. 1, Form IIA of the decree on preaching submitted on 18 May has not been preserved. The *quinque capita* mentioned in Massarelli's *Diarium* on 21 May, *C.T.*, VOL. I, p. 549, l. 27, correspond to points 4-8 of the *Summarium*. The only legatine report on the discussions is that of 22 May, VOL. X, pp. 495 ff.; that of the 19th, *ibid.*, pp. 492 f., expresses the legates' satisfaction with the Roman decision of the 13th, *ibid.*, p. 486, which had reached them the day before, on the Emperor's suggestion of the postponement of the dogmatic deliberations. In his letter to Farnese, Cervini did not refrain from commenting on Rome's present satisfaction with the parallel discussion of dogma and reform which at one time it would not hear of, *ibid.*, p. 494, l. 23. For the Dominican Ambrosius Pelargus's mandate, dated 24 February 1546, from Pfalz, near Trent, see VOL. V, pp. 141 ff.; for his life and writings see N. Paulus, *Die deutschen Dominikaner im Kampf gegen Luther*, pp. 190-212; S. Ehses "A. Pelargus auf dem Konzil von Trient", *Pastor bonus* IX (1897), pp. 322-8; 561-7; XIX (1906-7), pp. 538-43. The cause of the verbal exchange between the Bishop of Astorga and Del Monte, *C.T.*, VOL. I, pp. 58 f., is revealed by the former's remark related by Severoli, *C.T.*, VOL. X, p. 482, l. 25, to the effect that the reform must begin with the cardinals not being given bishoprics and by their learning once more to practise "humiltà" and "parcimonia". Particulars about the brief of 25 April 1546, submitted by Pacheco, *C.T.*, VOL. I, pp. 54, l. 30; 546, l. 34.

² The main cause for the slackness of the particular congregations was the delay in drawing up an order of procedure. Since the beginning of April notes of the discussions had been taken in all the classes, experience having shown the impossibility of fixing

As was to be expected, the rejection of the Emperor's suggestion to delay the discussion of dogma met with the Pope's unqualified approval. He advised the legates to remain inexorable on this point. By forgoing the discussion of dogma the Council would be unfaithful to the main task assigned to it in the Bull of Convocation. It would forfeit all credit if it allowed itself to be used as a tool of imperial policy. They would furnish the French with a welcome excuse for their refusal to attend the Council. These arguments proved decisive. The legates accordingly entered upon the discussions on 18 May with a firm resolve to remain unyielding on the question of the conciliar programme and if necessary, should the Emperor press his suggestion, to agree even to a suspension of the Council.

They were no less determined not to tolerate any tampering with their right of making proposals. On 18 May, and again on the twenty-first, Pacheco proposed that the Council should take up the debate on residence even before the decree on preaching was completed. If the legates allowed this proposal to be discussed they would create a precedent which could be alleged against their hitherto undisputed right of making proposals. They would run an equal danger if a theoretical debate on the right of making proposals were to flare up. As the Bishop of Fano wrote on 15 May, the legates could only lose by such a debate and gain nothing; hence they were bound to do their utmost to keep clear of it. On the other hand, if they wished to maintain the system of conciliar direction as it had come to function during the first months of the discussions, they were bound to yield to the manifest wish of the majority of the members of the Council, which was to defer the debate on the bishops' duty of residence to a later date, that is, that it should be the first item on the conciliar programme as soon as the decree on preaching was disposed of. These elastic tactics served them

their results by any other means. Thus it came about that, e.g. the summaries of the classes of 13 April were read out in the general congregation of the 15th. But it was precisely the introduction of this practice, that is, of something like the drawing up of minutes, that altered the character of these meetings; from discussion-groups they became congregations with the right of formulating preliminary decisions. Hence Del Monte's observation on 14 April, that the classes should be put a stop to, "*ut taedium repetitionis fugiamus*", *C.T.*, VOL. I, p. 50, l. 38. Two circumstances determined their abandonment: first, Pacheco's demand on 10 May, VOL. V, p. 54, l. 39; VOL. I, p. 134, l. 26, that the summaries of the classes should also indicate the motives of the suggested alterations, that is, that they should be so enlarged as to form a complete protocol which would have put the classes on the same footing as the general congregations. Secondly, the Pope's hint, VOL. X, p. 463, l. 22, which was merely a repetition of his objection to the whole arrangement from its very start. In this he was in agreement with that experienced jurist, the Bishop of Astorga, VOL. V, p. 19, l. II.

well in this instance and, as at the end of January, they proved completely successful.

In the still greatly agitated general congregation of 18 May it seemed at first as if the assembly were in for an exhaustive debate on the very principle of the right of making proposals. The sharpness with which the president had defended it on 10 May had been taken as a deliberate affront by a number of prelates and had done the subject no good. When Del Monte once more briefly returned to it in his introductory address, Pacheco also stressed what they all held, namely that authority to lead the Council, to have proposals discussed and voted upon, was the legates' exclusive right. The bishops were indeed entitled to make proposals but they could not submit them for discussion without the agreement of the legates. Thereupon the Bishop of Astorga rose and declared that in accordance with the practice of the ancient Councils every bishop enjoyed in principle the same right to make proposals as the legates. Like Bishop Hosius of Córdoba at the Council of Sardica, so at Trent also every bishop was entitled to submit for discussion any proposals he had to make for the good of Christendom and all its parts, and to have a vote taken upon them. Del Monte objected at once that this principle was at variance with Roman Law which assigned the presidency of the senate to the consuls and that of the popular meetings to the tribunes of the people. To this Astorga replied: "I am not now disputing with jurists; I am addressing bishops gathered in Council who must know that in such an assembly they may bring up for discussion whatever is seemly (*honestum*). If every proposal needs the concurrence of the legates, will the so urgent need of a reform of the cardinals ever appear on the conciliar programme?"

Not even Pacheco succeeded in steering his Spanish fellow-countryman back into a middle course. "I need no advocate, I can conduct my case myself", was Astorga's proud claim. There was no further intervention by the president in this dispute: it was enough for him that the senior prelate in rank and the acknowledged leader of the Spaniards should have parted with his colleague. The debate on questions of principle was at an end for the time being.

The other burning topic which had appeared in the general congregation of 10 May was still smouldering on the eighteenth. The Bishop of Fiesole's invective, Del Monte declared, was a calumny of the Pope. The privileges granted by him to the mendicant Orders did no injury to the divine right of the bishops. It was an insult to the Orders; an act inspired by demagoguery inasmuch as it roused the two parties,



GIROLAMO SERIPANDO

*After an etching by Francquart of a portrait by Galle
in the British Museum*

the bishops and the regulars, against each other; nay, it was a schismatic act because it questioned the Pope's right to grant to religious, through their superiors, licence to preach. However, the subject of these violent accusations had no intention of admitting his guilt. He was evidently well aware that he had many more secret sympathisers among the members of the Council than appeared openly, so that he had no cause to fear the judgment of that assembly. The prelates' feelings towards the regulars had grown worse with every passing week. Pacheco put before the legates a brief only a few weeks old; it was dated 25 April 1546 and addressed to the Franciscan Observant Antonio di S. Michele. The document apparently exempted him and all his fellow-religious from the jurisdiction of the Inquisitors in matters of heresy, hence also from the Spanish Inquisition. The cardinal accordingly asked: "Does not this amount to giving free rein to the Orders? If such a thing is done during the Council, what will happen when it is over?" At the instigation of Pacheco and Astorga, Bertinoro, who felt Fiesole's outburst as a personal attack, was not allowed to read an apology prepared by him. Even the Bishops of Fano and Aquino insisted that the Bishop of Fiesole should receive brotherly and kindly treatment, although the Bishop of Caorli declared that he knew that Fiesole's name was already being bandied about by the Lutherans. The general of the Servites, who had been attacked by him on account of his sermon at the Session on 8 April, was refused permission to submit the dispute to arbitration. Del Monte persisted in his policy of putting off the affair. It was evident that the legates were unwilling to take a single step in this delicate matter without instructions from Rome. These were not forthcoming and the Council left it at that.

The course of the general congregation of 18 May was decisive for the guidance of the Council. Its direction remained firmly in the hands of the legates and the Council got once more under way. The general congregation of 20 May passed so quietly and kept on so high a level that Massarelli described it in his diary as "the most dignified and the most learned" of all the previous ones even though it realised only very imperfectly the purpose for which it had been convened, namely a firm statement of the Council's will with regard to Biblical lectures in monasteries and convents. This congregation is of the greatest interest for us from the point of view of the history of ideas because it brought to light the humanistic motives which were at work all through the debate on the reform of theological studies and of preaching. On the surface the debate turned on only two questions of quite secondary

importance, namely whether Biblical lectures were to be held, or as the case might be, introduced, in the old monastic Orders, and whether in the houses of study of the mendicant Orders these lectures were to be given the first place. But in reality it was the position of scholasticism that was on the agenda on that day. Don Isidoro, Abbot of Pontida, near Bergamo, and editor of a Latin Bible revised in accordance with the original texts (1542), basing himself on the great tradition of the Benedictine Order, advocated the establishment of Biblical lectures in the monasteries of monks but declined to have anything to do with scholasticism as it was liable to create discord.¹ He was opposed by the Dominican Domiño Soto, professor at Salamanca and the Emperor's theologian at the Council. Scholasticism, he argued, was indispensable for theological controversy, but the place it should hold among theological lectures should be decided in accordance with the existing constitutions of the Orders. (This would have insured the primacy over Biblical studies which scholasticism had hitherto enjoyed.) In point of fact, since the object of the monastic Orders was contemplation they should be excluded from the teaching of theology.²

In the persons of Don Isidoro and Domiño Soto Christian humanism, with its links with the ancient Benedictine tradition, came in conflict with a nascent scholasticism. The debate showed that at this time the two tendencies were approximately of equal strength. Ten years later the result would have been very different. Far more sharply than Don Isidoro, the Bishop of La Cava rejected scholasticism, lock, stock and barrel—*damnavit scholasticas disciplinas*. Even two bishops, both of them Dominicans, namely those of Fano and Bertinoro,³ emphatically defended the primacy of the study of the Bible. Seripando, the guardian of scholasticism in his Order, only issued a warning against

¹ For the Benedictine Isidorus Clarius, whose real name was Taddeo Cucchi (1495-1555), a monk of the abbey of Monte Cassino, repeatedly elected abbot and since 1547 Bishop of Foligno, see Lauchert, *Die italienischen literarischen Gegner Luthers*, pp. 443-51; G. Bilanovich, *Tra Don Teofilo Folengo e Merlin Coccaio* (Naples 1948), pp. 122 f. (relations with the poet Teofilo Folengo).

² Domiño de Soto (1494-1560), professor of theology at Salamanca since 1532, imperial theologian at Trent, since 1548, Charles V's confessor: see *L.Th.K.*, VOL. IX, p. 682; V. Beltrán de Heredia, "El maestro Domiño Soto catedrático de Visperas en la universidad de Salamanca 1532-49", *Ciencia Tomista*, LVII (1938), pp. 281-302; *id.*, "Domiño de Soto en el Concilio de Trento", *ibid.*, LXIII (1942), pp. 113-47; L. González Vela, *Personalidad de Domiño Soto* (Segovia 1945), I have not been able to consult.

³ The remarks about the Bishop of Bertinoro in the protocol, *C.T.*, VOL. V, p. 151, l. 38, "laudavit scholasticam disciplinam", is not only at variance with Severoli, *C.T.*, VOL. I, p. 61, l. 7, but with the whole attitude of that prelate in the course of the previous debates.

its excrescences—*vanae disputationes*. There was scarcely anyone to share Soto's view that the monastic Orders and their Biblical theology should be debarred from teaching.

On the other hand scholasticism found its defenders not only in the ranks of the mendicant Orders (Bitonto, Pelargus), but even among the prelates who had become acquainted with the controversial questions, as for instance the Archbishop of Armagh who had been in Germany in 1541 on a papal mission,¹ the Bishop of Lucera, Fabio Mignanelli, who in 1538/9 and 1545 had officiated as nuncio at the court of Ferdinand I,² the Bishop of Aquino, Galeazzo Florimonte, who though known as a humanist had recently (1545) entered the field of controversy with a book on free-will.³

Thus the discussion was by no means concerned with trifles (*res vilissimae*) as Del Monte had complained in his concluding remarks; he was, however, right when he complained that the debate of 20 May yielded very little for the formulation of the decree. All were agreed that Biblical lectures should be introduced in the houses of the monastic Orders, but opinions were divided about the other question, namely, what place should be assigned to these lectures in the houses of study of the regulars and at the universities. A third general congregation was required (on 21 May) in order to bring to a conclusion the discussion of the eight questions that had remained open after the general congregation of 10 May. The result was the decision that the payment of the Biblical lecturers that were to be appointed for the first time was not to be left to the judgment of the bishops. It was to be assured by the bestowal of the first free cathedral prebend, even if it happened to be reserved to the Pope. In pursuance of this decision the legates, as early as 15 May, pressed Rome for a brief by the terms of which the Pope would declare in advance his agreement with this ruling. The strict obligation of bishops—primates and archbishops included—to preach in person and, if prevented, to do so through a substitute, was taken as accepted. The concession—at bottom a compromise—that they might make use of a manuscript when preaching, was dropped. A fresh move by Pacheco

¹ For the Archbishop of Armagh see H. Jedin, "The blind Doctor Scotus", *Journal of Ecclesiastical History*, I (1950), pp. 76-84; J. Durcan, "Robert Wauchope, Archbishop of Armagh", *Innes-Review*, I (1950), pp. 48-65.

² For Mignanelli's work in Germany, see the "Introduction" to *N.B.* I, VOLS. III and VIII.

³ Galeazzo Florimonte (1484-1565) is chiefly known in the history of Italian literature through his relations with Giovanni della Casa; he has also found a biographer; cf. H. Jedin, *Seripando*, VOL. II, pp. 292 f. Lauchert, *Die italienischen literarischen Gegner Luthers*, p. 685; see below, CH. XII.

for the immediate discussion of the duty of residence, that is even before the decree on preaching was concluded, did not as yet succeed but it became quite clear that the majority of the prelates (twenty-seven of them) regarded the problem of episcopal residence as the most urgent point of Church reform. The clause to the effect that parish priests might permit exempt religious to preach not only in a particular instance, but even during the chief preaching periods, Advent and Lent, was rejected by almost the whole assembly.

When reporting to Rome on 22 May the legates could quite properly describe the debate on the decree as terminated. They only waited for the Curia's comments on the text (Form IIA) which they had despatched on 15 May, and on the summary of the three general congregations of 18, 20 and 21 May, with which they had followed up the draft of the decree. After that they intended to secure for it the Council's final approval immediately before the Session fixed for 17 June. But this hope proved deceptive. As early as the beginning of June doubts arose in their minds as to whether in its present form the decree would meet with the Council's approval. The comments of the Roman commission of cardinals, which had spent two sessions studying the text, covered six sheets but they have not been preserved.¹ The brief the legates had prayed for only reached Trent after some delay, on 13 June. It contained the Pope's renunciation of the right of nomination to such prebends as were set aside for the endowment of the prospective lectureships, but what was most ominous was the fact that the violent opposition between the bishops and the exempt Orders had not abated in the least. With ever-growing determination the prelates demanded a curtailment of the privileges of the religious Orders. The legates accordingly welcomed the declaration of the Roman commission that the Curia had no objection to such a curtailment of papal exemptions as was contemplated. The new draft (Form III) which was agreed upon at a conference of the legates on 15 June, yielded to the bishops' demands to the extent of making the preaching licence of the regulars depend, without any exception, hence even in their own churches, on the consent of the bishops. It also authorised the latter to proceed against heretical preachers without the concurrence of the respective religious superiors, not indeed in virtue of a personal right but as the Pope's commissioners.²

¹ The discussions of the Roman deputation of cardinals on Form IIA of the decree on preaching, *C.T.*, VOL. X, pp. 498, l. 14; 506, l. 33; 511, l. 22. The legates' first doubts about its being accepted, *ibid.*, p. 510, l. 7.

² Alterations in Form III of the decree on preaching, *C.T.*, VOL. V, p. 226, l. 25. Disposal of simple benefices for the endowment of lectureships, *de capituli consilio et*

The cause of the exempt Orders was in a bad way. Of their natural defenders, the generals of Orders, only those of the three smaller mendicant Orders, namely the Hermits of St Augustine, the Carmelites and the Servites, were present at Trent, while the two great Orders, the Dominicans and the two branches of the Franciscans, were not represented by their generals. At the general congregation of 15 June¹ Pacheco and a minority of fourteen bishops in all supported the continuation of exemptions in the regulars' own churches, but the majority approved the proposed alteration. A change only occurred when the Augustinian general Seripando, in a discourse which was generally hailed as a masterpiece, pointed out the harshness of a measure by which the exempt religious, who up to this time had relieved the bishops of most of the burden implied in their duty to preach, would henceforth be completely dependent on them, even within their own churches: "How could I face my own Order", he exclaimed "in an attempt to justify my conduct, if I were confronted with the reproach that I gave my assent to this over-hasty decree which deprives us of almost all the privileges which the Popes have granted to us?" The generals of the Carmelites and the Servites supported Seripando's arguments. Pacheco declared himself fully persuaded and skilfully smoothed over the unfavourable impression created by an outburst of the general of the Servites against non-residing bishops. Both the president and a group of prelates headed by the coadjutor of Verona advocated a softening of the decree.

On the following day, 16 June, before the opening of the general congregation, the theologians of the mendicant Orders gathered before the door of the hall where the meeting was to take place. Their

consensu. However, the chapter's right to give (or to withhold) its consent, was dropped. An additional section on the admission of religious living outside their monasteries to a lectureship, after a previous examination by the bishop, *ibid.*, p. 227, l. 3. The omission of the "Mirror of preachers" at the end of the decree has already been mentioned, p. 108, n. 1.

¹ General congregations of 15 and 16 June: Severoli's report, *C.T.*, VOL. I, pp. 77-80, alone enables us to realise the importance of Seripando's address which is only lightly touched upon in Massarelli's protocol, *C.T.*, VOL. V, pp. 228-35. In like manner Pacheco's question about regresses, so characteristic of his distrust of the Curia, is only found in Severoli, *C.T.*, VOL. I, p. 80, l. 3. The result of the vote in the session, VOL. V, pp. 243 f., shows a total of eleven unfavourable votes, including a formal protest by the Bishop of Fiesole, but only seven votes were opposed to the compromise in connection with the licence to preach for members of the religious Orders. Four of these (the Bishops of Sassari, Aquino, Belluno and Calahorra) did not insist on episcopal approval of these preachers in the churches of their own Orders, but they claimed the right of vetoing a preacher, should the necessity arise. In the general congregation of 16 June, *C.T.*, VOL. X, p. 527, l. 15, the legates claimed that there were no more than three or four unfavourable votes.

spokesman, the Conventual Francesco de' Patti, of Palermo, falling on his knees, pleaded for a hearing: "Our generals and their counsellors", he explained, "are far away, occupied as they are at the general chapters which are being held at this very time. Our prayer is that you hear them before you withdraw our privileges."

This demonstration by the mendicants, the only one of the kind during the whole course of the Council, completed the reversal of feeling which had begun on the previous evening. At the beginning of the general congregation the prevailing tendency was to postpone the decision on the privileges of the Orders in accordance with the above request, but towards the end of the debate the view gained ground that the decree should be softened down and then be published. Thereupon the president produced a formula prepared beforehand, by the terms of which regulars required the authorisation of their superiors to preach in their own churches but were not in need of a licence from the bishops to whom they were only bound to present themselves for the purpose of getting their blessing. The Council approved the formula by forty-five votes against thirteen, thus reverting to the solution which the commission had proposed at the beginning of the debate. We can understand the indignation of the Bishop of Fiesole, that "so pious and holy a decree", as Form III was in his opinion, should not become law. However, the change of opinion in favour of the Orders, which no one could have foreseen, was irrevocable and in the Session the number of the opponents to this settlement of the question of the authorisation to preach shrank to a mere seven.

The decree on "[Bible] reading and preaching", published in the fifth Session, held on 17 June 1546, was the first, and we may add at once, the only successful attempt to combine Church reform with what ever was sound in Christian humanism. The commission which submitted the first draft included several adherents of the humanistic reform movement, men like the Bishops of La Cava, Fano, Bitonto, and Seripando. But if their proposals made any headway, it was solely due to the fact that the whole Council—including even the mendicant Orders—was honeycombed with humanists and presided over by men like Cervini and Pole. When we consider the Council's action it is of the utmost importance that we bear in mind that when the Christian humanists pressed their aim—which was to raise the educational standard of the clergy, and to secure for the Bible a privileged position in the teaching of theology—they were actually linking up with an institution of the late Middle Ages. Compliance with their demands

would only restore to their original purpose the theological prebends prescribed by the fourth Lateran Council and add to their number since the first vacant prebend would be set apart for the endowment of a lecturer at those cathedral and collegiate churches where no such prebend existed. If no prebend was available, or if its revenues were inadequate, the ordinary was bound to apply to this purpose a simple benefice, that is, one to which no pastoral duties were attached or, failing this, to deduct appropriate contributions from the other prebends. In smaller localities the place of the Biblical lecturer was to be taken by a teacher of grammar from whose school the future clerics would pass on to that of the professor of theology.

The Council evidently shrank from establishing a new system of clerical formation, contenting itself with developing the existing one. As time went on it was seen that this measure was inadequate; hence its historical bearing was very limited. Even before the decree received papal confirmation, thereby acquiring force of law, opinion on the humanistic programme of reform changed in favour of a revitalised scholasticism; but it was likewise seen that something new, something more thorough must be done for the theological training and the professional formation of the future priests. This new thing was the establishment of seminaries for priests which was decided in the twenty-third Session of the Council.

On the other hand the bishops' and priests' obligation to preach has become an essential element of the Tridentine reform of the Church. The bishops' obligation to preach was repeatedly insisted upon by the Council and in Session XXIV, c. 4, it was described as their chief duty (*munus praecipuum*). During the course of the Council the parish priests' obligation to preach on Sundays and holy days was reinforced by a number of ordinances, all of which tended to intensify their pastoral activities. The compromise arrived at between bishops and exempt regulars on the question of the authorisation to preach already shows the direction in which the Tridentine juridical evolution was to move: on the one hand the bishops' authority was to be strengthened by the conveyance to the ordinaries of powers of which the Pope is the depository, while on the other hand the privileges of exemption were to be safeguarded. This compromise rested on a decision of fundamental significance and was fraught with weighty consequences. It was taken by the Pope in person, though with the active participation of the legates. By its terms Paul III abandoned the policy he had hitherto pursued, the policy, that is, of working for a general reform of the Church and the

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Curia without the co-operation of a Council. Within clearly and carefully defined limits this task was now handed over to the Council. This made possible the drawing up of a programme for the conciliar discussions on Church reform which had been wanting up to this time.

A Definitive Programme for the Council. The Decree on Original Sin

FOUR months had elapsed since the opening of the Council, but for all that the legates, in whom the right of proposing the subject-matter of the discussions was vested, did not as yet know what programme to submit to the assembly. Only one thing was settled, namely that they must go forward along two parallel ways—dogma and reform—but whither they were to move was not determined.

Since the end of February there had been a constant exchange of views between the legates and Rome on this fundamental question. Two ways lay open before them.¹ The first was a continuation of the discussion of methods which had begun in February and whose first results were submitted at the fourth session. Once the Creed, the Holy Scriptures and the apostolic traditions had been accepted as authentic sources of revelation it was natural that the next step should be a discussion of the Church's teaching office in its various expressions, such as conciliar decisions, papal decretals and ecclesiastical traditions, as was actually done soon afterwards by Martin Pérez de Ayala in his book on traditions (1548) and by Melchior Cano in his famous *Loci theologici* (1563). This done, it was advisable not to stay content with laying down principles, as when treating of the doctrine of the apostolic traditions, but to set forth at the same time the definitions of earlier Councils concerning the present controverted doctrines. The remainder, for which it was not possible to appeal to previous dogmatic decisions, would prove more troublesome, but it would be possible to dispose of it within a reasonable time. If they chose this way for the

¹ The first exchange of ideas on the question of a programme is in the legates' report of 21 February 1546, *C.T.*, VOL. x, pp. 393 f., and in Farnese's reply of 4 March, *ibid.*, pp. 406 f. As late as 15 April, *ibid.*, x, p. 458, Seripando still favoured the definition of all controverted questions in a single Session. He wanted a complete list to be drawn up on the basis of the *Confessio Augustana* and submitted to the Council. In this way they would avoid the risk of the opponents attacking the very first conciliar decisions while the remaining ones were not yet ready. The legates' second enquiry, dated 15 April, in VOL. x, pp. 458 f.

discussion of dogma, the parallel way, the discussion of reform, could be followed with ease, for the debate on the earlier Councils and the ecclesiastical traditions was sure to yield suitable reform measures and among them some, no doubt, which would apply to the practice of the Roman Curia.

This possibility, which the legates were the first to point out, met with the approval both of the majority of the Roman commission and of the Pope himself. On the other hand, in the session of the commission of cardinals on 3 March, serious objections had been raised against this way. Would not such discussions of conciliar decrees and papal decretals revive the old controversy about the division of authority in the Church, hence about the relations between Pope and Council? To circumvent such a dispute was one of the first principles of any conciliar policy. Other questions also came up in the course of the meeting. Which of the earlier Councils had actually received papal confirmation? If they were to adopt decrees of earlier Councils, would it not become necessary to supplement them, so as to bring them up to date?

These misgivings in Rome, but even more the conclusions at which the legates themselves arrived during the last phase of the debate on Tradition, seem to have dissuaded them from this first way of proceeding though it had already been approved in principle by the Pope. When at the conclusion of the fourth session in mid-April they had to ask themselves what dogmatic subject they should lay before the Council, they clearly perceived one thing that cannot cause a moment's hesitation to the historian, namely that the method proposed by them was ill-considered and concealed grave risks. A debate on "authorities" in a dogmatic argumentation would lead straight into the very centre of the controverted problem of divine and human right in the Church and of the question of the division of authority. On the other hand they granted what was repeatedly pointed out in the course of the debate on traditions, namely that the termination of the discussion of methods after the fourth Session could easily give rise to an impression that its decree on Scripture and Tradition contained an exhaustive enumeration of all the "authorities" on which the Church's teaching was based. But if they took in hand the ecclesiastical traditions, it was meaningless and besides quite impossible, merely to lay down a principle, as when they dealt with the apostolic traditions. It would be necessary to enter into details, to enumerate such traditions by name and thus venture into the boundless depths of Church history. The decisive argument against this way of proceeding was the conviction that it would introduce conciliar theory

into the Council's programme. On such a venture they could only embark if the Council were held in the Pope's presence and "in his own house", that is in Rome, Bologna or in some other city of the Papal States. Although they did not finally drop their first proposal, in their report of 15 April the legates no longer pressed it but rather urged an alternative one which they had merely outlined on 2 February. This was that the dogmatic discussion should begin with the doctrine of the Trinity, of the creation and the fall of man, and be followed by the discussion of original sin, redemption and justification. The cardinals of the commission had objected at the time that such a programme went beyond the range of the controverted doctrines. They should strictly limit themselves to the latter and, in fact to the essential ones among them (*discordie sustantiali*). They accordingly proposed that the Council should begin by debating the most important of the controverted dogmas namely original sin and justification. The Emperor and his adherents at the Council would of course endeavour to delay these debates. They would likewise have to reckon with the fact that not a few of the Fathers of the Council and some of its theologians entertained a certain amount of sympathy for the new doctrine of salvation. However, the chief difficulty was that none of the points requiring reform had any immediate connection with the dogmas of original sin and justification. The consequence would be that, in compliance with wishes already expressed, the bishops' obligation of residence would have to be put on the agenda, but in that case a section of the prelates would lose no time in opposing the Curia's appointments to offices and other "impediments" to their residing in their dioceses. Ventilation of the bishops' obligation of residence would lead to a debate on the reform of the Roman Curia. Such a topic should not, and could not, be left to the Council. To do so would be tantamount to a direct invitation to them to walk in the footsteps of the men of Basle.

Up to this time the legates, and Cervini more than his colleagues, maintained the view that the reform of the Curia must be left to the Pope and must be kept out of the deliberations of the Council. Cervini never wearied of pointing out to the Pope the need of an immediate reform of the Curia, so that the Council should have no pretext for laying its finger on these sores. However, when Rome at last made a move, it was too late. On 17 February Cardinal Farnese forwarded to the legates the text of a Bull which had been drafted towards the end of the year 1541. Its object was to widen the bishops' rights in the government of their dioceses and to remove at least some of the

grievances with which non-residing prelates excused their conduct.¹ We must revert to the origin and the content of this Bull (cf. VOL. I, pp. 443 f.) if we are to be in a position to measure the full bearing of the impending decision.

On 13 December 1540 the Pope had solemnly warned the bishops then living in Rome to repair to their dioceses and to fulfil the duty of residence. Their answer had been a list of no less than thirty-one "impediments" which, in their opinion, rendered a fruitful activity in their dioceses impossible. They were: the weakening of their jurisdiction by a number of exemptions, both of particular persons and of entire bodies (Orders and cathedral chapters) as well as by the faculties enjoyed by legates and nuncios; the frequent by-passing of the ordinaries at the ordination of their subjects and their slender influence on appointments to offices; the abuse of the right of appeal to Rome; the curt treatment of bishops by the Roman officials and tribunals; the preponderance of the secular authority in the administration of Church property and in judicial decisions in connection with questions of benefices.

On the basis of these episcopal grievances and subsequent to an examination of them by the cardinals' commission for reform, a Bull had been drafted at the close of the year 1541, *In favorem ordinariorum*, which met the bishops' demands on several important points. It laid down the principle that the pastoral activity of the exempt Orders was subject to the supervision of the ordinaries. It forbade the concession of further exemptions in the future and considerably restricted the existing ones—more particularly the personal ones. It forbade appeals to Rome over the head of the immediate authority and made an effort to enhance the bishops' dignity by strict directives concerning their juridical position, their faculties and their relations with the nuncios. The tone of the Bull was naturally enough much more restrained on all points that concerned the State and other lay authorities. These it "prayed and exhorted" not to meddle with the Church's jurisdiction. On its part, the Curia declined on principle to forgo any of its existing rights, thus the bishops' demand that they should have the free disposal of all pastoral benefices in their respective dioceses was not granted.

¹ The text of the Bull *Superni dispositione consilii*, with the *impedimenta* and the whole of the remaining material, in *C.T.*, VOL. IV, pp. 481-500; its despatch to Trent, VOL. X, p. 384. I cannot agree with Ehses's opinion, *C.T.*, VOL. IV, pp. 498 f., that the Bull was not published in 1542 because of an intention to lay it before the Council. The legates' correspondence of the year 1546 shows that the Curia did not intend even then to submit the Bull to the Council, but merely wanted the legates' opinion on it.

The Bull represents an attempt to further the efforts of bishops who were prepared to reform by the removal of a series of glaring abuses, though without abandoning the basic position of the Curia and without provoking a conflict with the State. For all that, so strong was the opposition which the Bull encountered at the Curia, especially on the part of the cardinals, that though it was laid before the consistory on 2 December 1541, it was never given force of law.

The legates regarded the Bull as a draft for the general reform of the Curia, the necessity of which Cervini had never ceased to emphasise. When asked for their opinion, the legates declared on 7 March 1546 that the Bull was quite inadequate.¹ The bishops assembled in Council, they explained, insist on being given complete freedom in their arrangements for the cure of souls in their dioceses. Their minimum demands are: the disposal of all pastoral benefices by the ordinaries; the abolition of exemptions in connection with preaching, the hearing of confessions, and the cure of souls in general; the prohibition of the ordination of clerics without the permission of the competent episcopal authority; the abolition of the commissaries for the indulgence connected with the building of St Peter's as well as of the indulgence of the crusade.

However, even if the Pope were to acquiesce in these demands, he would not give full satisfaction. A reform of the Church by the Pope, without the co-operation of the Council, was no longer possible. The bishops might conceivably have accepted such a reform in the first days of the Council, while its progress was still uncertain and the extent of its freedom of action and its authority remained undefined; in fact, such a reform might even have been regarded as a magnanimous step by which the Pope sought to meet them half-way. But by this time they had developed such a sense of their own importance that to suggest such a curtailment of their authority in council would not be without risk. The papal secretary Maffeo was quite right when he declared that this reply of the legates was tantamount to a complete abandonment of the standpoint they had hitherto adopted, and Cervini frankly agreed with him. The Pope was far-seeing enough to fall in with their view. After a thorough discussion of the problem by the Roman conciliar commission he announced in the consistory of 22 March that he had

¹ The legates' answer of 7 March 1546 on the Reform Bull, *C.T.*, VOL. X, pp. 410 ff., 415, 424, 426 f., 447. Report of the imperial ambassador, Juan de Vega, on the consistory of 22 March, VOL. XI, p. 42. Carlo Gualteruzzi was therefore well informed when he wrote to Giovanni della Casa on 27 March: "Si è rimessa la reformatione de' costumi al concilio", Bibl. Ricci 4, fol. 167^r, or.

decided to instruct the legates in the sense that the Council may not be forbidden, on principle, to deal with the reform of the Curia. However, the concession was restricted by considerable qualifications. They were to the effect that (1) the Pope may not be debarred, on principle, from the bestowal of benefices. This meant the maintenance of the reservations. (2) Exemptions may be restricted in so far as they hinder the cure of souls, but they may not be completely abolished since in that case the Orders would forfeit their independence. (3) The grant of expectancies already made may not be simply annulled, but in future an effort would be made to avoid granting them in the months reserved to the ordinaries. (4) The grossest abuses connected with indulgences have already been removed; however, the Pope is willing to listen to further suggestions. (5) The reform of the Dataria will be carried through without a decree, *viâ facti*, before the Council tackles it.

Thus the Curia's general policy had undergone no change in the last five years; the only difference—and it was a noteworthy one—was that the coming reform would not be one-sidedly decreed by the Pope, but would be prepared and decreed by the Council. We may add that, in spite of a number of particular modifications, this general line remained substantially unchanged up to the termination of the Council. In point of fact at no time did the Council meddle with the reform of the officials of the Curia as such; rather was its reform gradually effected by the Popes of the reform period, being begun by Paul IV, continued by Pius IV and Pius V and finally completed by Sixtus V.

Although in the instructions for the legates dated 23 March 1546, the Pope agreed that Trent might deal even with reforms that impinged on the domain of the officials of the Curia, this concession did not by any means signify that he himself would take no personal action. The reform of the Dataria was the nerve centre of the whole problem of the reform of the Curia; when the discussion of this came to a standstill, the fate of the other essays at reform, which had begun so hopefully at the end of the thirties, was likewise sealed (cf. VOL. I, p. 434). If the Pope let it be known that he would promote the reform *viâ facti*, and actually fulfilled this promise, it was because he now followed Cervini's advice which he had not previously heeded. On 10 April the legates announced their agreement with the proposed plan, namely that practice was to come first and theory to follow. The better the Curia's practice the more easily would a conflict with the Council be avoided. They asked to be kept informed of the measures taken while they on their part submitted further suggestions. More important than anything else was

the appointment of suitable bishops and the complete suppression of the abuse by which one man could hold several dioceses. Another decisive factor (*parte principale*) was the enforcement of the duty of episcopal residence and the removal of the hindrances to its observance due to the exempt Orders, the secular arm and the Curia, and more particularly, the Penitenzieria. The duty of residence was also rendered difficult by the inadequate revenues of a number of dioceses. Finally they insisted that appropriate measures should be taken so as to make sure that the duties of the pastoral ministry were properly discharged.¹

In these suggestions we can already perceive the germ of the Tridentine programme of reform, namely the renewal of the episcopate by the appointment of true shepherds, the strengthening of the bishops' authority within their dioceses, the assurance of the cure of souls. During the first two periods of its session the Council took up some of these topics though not resolutely enough to remove existing difficulties. It was only under the leadership of Cardinal Morone that the Council, taking into account various national reform programmes, and in spite of strong opposition on the part of a section of the College of Cardinals, created a new legislation for offices and ordinations, Orders and ecclesiastical tribunals, thereby translating into reality the basic idea of the reform Bull of 1541, as well as the proposals for a reform submitted by the legates in 1546.

The above-mentioned reform Bull was based on the demands of the bishops living in Rome and who were closely connected with the Curia by reason of their offices and their personal relations. At Trent the bishops struck a much bolder note and the legates reckoned with the fact that as more representatives came from Spain, France and Germany, their language would become bolder still, especially if the existing good understanding between Pope and Emperor were to come to an end. For the time being the leaders of the Spaniards practised moderation and even the Bishop of Astorga had assured Giacomelli that for him there could be no question of a reform of the Pope by the Council, though the cardinals and the bishops might well be reformed by that assembly. The sooner the discussions about reform started, the better for Rome. This was also the opinion of the legate Cervini and of the Bishop of Bitonto. However, even the legates were not yet clear in

¹ Cervini urges the speeding of the reform in Rome, *C.T.*, vol. x, pp. 453 f.; on 17 April Maffeo asserts that the reform *viâ facti* had begun, *ibid.*, p. 463. Further representations by the legates on the question of reform (residence, pastoral ministry, etc.) *ibid.*, pp. 460, 464.

their own minds about the extent of the labour this would entail. As late as 12 June 1546 they thought that the whole business of the reform could be covered in a single debate.¹

With the Pope's attitude to the Council's reform problem thus perfectly clarified, the drafting of the programme for the dogmatic discussions no longer presented any serious difficulties. Acceptance of the second way of proceeding, that is that a start should be made with the doctrine of original sin and justification, suggested itself as a matter of course. The legates had prayed for a clear-cut answer to their proposals by the time the discussions reopened after the Easter pause. Although people in Rome were not inclined to interrupt Holy Week and the Easter festival with committee meetings, care had been taken that the Pope's answer should be in the legates' hands punctually by Low Sunday.² In agreement with the cardinals of the commission the pontiff decided in favour of the second way though not without drawing the legates' attention to the risk that once the bishops had secured their main objective in the reform deliberations, namely the extension of their rights, they might lose interest in the discussion of dogma and so take a premature departure, especially if a demand for its postponement were to come from another quarter, that is, from the Emperor, who might be impelled to make such a move by considerations for the German Protestants. The subject of episcopal residence was only to be put up for discussion on condition that it did not encroach on the time set apart for the debate on dogma, so that the principle of a parallel discussion of dogma and reform was maintained.

On the strength of these instructions, which reached Trent on 2 May, the legates began at once the preparation of the decree on original sin.³

¹ The Bishop of Astorga's observation on the reform of the Pope, *C.T.*, vol. x, p. 469; Cornelio Musso's opinion "the sooner the reform take place the better", *ibid.*, p. 452; the legates' plan to have the reform discussed in a single debate, *ibid.*, p. 523.

² Rome's answer of 29 April 1546, *C.T.*, vol. x, pp. 474 f.

³ On the formulation of the decree on original sin see the historical-dogmatical studies of F. Cavallera, "Le decret du Concile de Trente sur le péché originel", *Bulletin de Littérature ecclésiastique*, v (1913), pp. 241-58, 289-315; W. Koch, "Das Trienter Konzilsdekret de peccato originali", *T.Q.*, xcv (1913), pp. 430-50, 532-64; xcvi (1914), pp. 101-23; L. Pénagos, "La doctrina del pecado original en el Concilio de Trento", *Miscelanea Comillas*, iv (1945), pp. 127-273. For the previous history of canon 5, see especially Seripando's teaching on concupiscence, cf. H. Jedin, *Seripando*, vol. I, pp. 358-64 (Eng. edn. pp. 318-25); E. Stackemeier, *Der Kampf um Augustin auf dem Tridentinum* (Paderborn 1937), pp. 79-129; C. Boyer, "Il dibattito sulla concupiscenza", *Gregorianum*, xxvi (1945), pp. 66-84; on the other side, see A. Trapé, "La doctrina de Seripando acerca de la concupiscencia", *Ciudad de Dios*, clxix (1946), pp. 501-33. The supplementary clause on Our Lady is discussed by A. Kröss, "Die



MARCELLO CERVINI, later POPE MARCELLUS II
After an engraving by Onofrio Panvinio in the British Museum

By allowing the theologians who were not entitled to a vote (*extra concilium*) to discuss the subject, they flattered themselves with having found means calculated to shorten debates in the future also. The opposition that was to be expected from the imperialist party, above all from the envoy, Francisco de Toledo, to the discussion of controverted doctrines they hoped to overcome without difficulty by pointing to the Ratisbon formula of union which showed that the dogma of original sin was by no means a controverted matter.¹ This evasion—for such it was—they very soon abandoned, for they were not slow in perceiving that the Ratisbon formula of union did not bridge the real divergence between two doctrines but merely obscured it. As early as 13 May the Pope told them in unmistakable terms that he set no value on such an artificial glossing over of the divergence between the imperial and the papal programme of action which, in any case, could not be kept up in the long run. He insisted that the imperialists must be told plainly and without any circumlocution that a beginning must be made with the discussion of dogma. Del Monte took advantage of a move by Pacheco and the Bishop of Sinigaglia at the general congregation of 21 May in favour of an immediate start of the debate on the duty of residence, to communicate to the Council the programme drawn up as a result of an exchange of opinion between the legates and Rome and at the same time to make it clear that the principle of a parallel discussion of dogma and reform must be rigidly followed. He agreed to a discussion of the obligation of episcopal residence on condition that a controverted doctrine was put up at the same time, and he proposed that the subject chosen should be the doctrine of original sin. Even before the Council had formally accepted this proposition the legates, on 24 May, submitted to the conciliar theologians three questions, or rather three groups of questions which had arisen out of a discussion by a group of

Lehre von der Unbefleckten Empfängnis auf dem Konzil von Trient", *Z.K.Th.*, xxviii (1940), pp. 758-66; F. Cavallera, "Dominique Soto et la clause *Declarat* sur l'Immaculée Conception", *Recherches de science religieuse*, iv (1913), pp. 270-4; Th. Ayuso, *El Concilio de Trento y la Immaculada Concepción* (Lérida 1930); S. Varisco, *De peccato originali eiusque relatione ad B. Mariam Virginem tempore concilii Tridentini* (Diss. of the Pontif. Ateneo Antoniano 1946). On the significance of the decree within the framework of the development of the dogma of original sin see *D.Th.C.*, xii (1933), pp. 275-606 (A. Gaudel); on the formulation and meaning of the decree, *ibid.*, pp. 513-31.

¹ The legates' report of 7 May, *C.T.*, vol. x, p. 480, l. 19, and Cervini's report 10 May, *ibid.*, p. 482, l. 42; cf. p. 379, l. 13. In his reply, *ibid.*, p. 487, l. 35, Farnese observed that the answer to the ambassador was "manco viva e efficace di quello che S.S^a giudica". For the legates' appreciation of this fact, *ibid.*, p. 492, l. 26.

divines the composition of which we do not know, except that they were in the *entourage* of the legates.¹

- (1) To what testimonies of the Scriptures and the apostolic traditions do the Fathers, the Councils and the Apostolic See appeal against those who deny original sin? From what principle do they derive this doctrine? Who are they who contract this sin, and in what way?
- (2) In accordance with the precedent established by the ancient Councils, the nature of original sin, unlike other sins, must be determined not by definition but by a description of its effects.
- (3) How is man freed from original sin? Is the effect of salvation complete or do certain traces (*vestigia*) remain? And if so, what is their effect?

Those who framed these three sets of questions evidently had a threefold purpose in mind. First of all they sought to induce the theologians to make the positive proofs of the Church's teaching on this subject accessible to the bishops. Secondly, they wished to prevent them from expounding the scholastic controversies on the nature of original sin before the Council and to get them to limit themselves to the descriptive method. The purpose of the third question was that they should formulate the fundamental difference between the Catholic and the Lutheran teaching about concupiscence which remains after baptism.

The list of theologians who spoke in the congregations of 24 and 25 May,² differs from that of those who were present at the first congregation of the same kind held on 20 February, by the fact that at its head appear the names of eight "secular" priests even before those of the representatives of the mendicant Orders. Two of these "secular" priests were Jesuits whom the Pope had ordered to repair to Trent, namely James (Diego) Lainez and Alphonsus Salmeron, who had arrived in the city of the Council a few days before, namely on 15 May, and who, as papal theologians, took precedence over the rest. The name of a third Jesuit, Claude Lejay, got on the list by an error due to the fact that in his capacity of proctor of the Cardinal of Augsburg, he had a consultative vote. Then there came four Spanish secular priests, Morilla, Sarra, Herrera, Solis, and the Fleming Cortenbosch. The Dominicans, the Franciscans Observant, but above all the Franciscans Conventual, were

¹ The questions for the theologians on 24 May, *C.T.*, vol. v, pp. 163 f.

² List of the theologians present at the discussions during the month of May, *C.T.*, vol. v, pp. 162 f., the *Summa responsionum*, *ibid.*, pp. 164 ff. Biographical details about the two Jesuits Salmeron and Lainez in Gutiérrez, *Españoles*, pp. 54-67, 280-91, and fully for Lainez in F. Cereceda, *Diego Laínez en la Europa religiosa de su tiempo*, vol. I (Madrid 1945), pp. 213 ff.

less strongly represented than in February. On the other hand the Hermits of St Augustine showed their interest in this particular debate in that instead of three, six of their theologians intervened in it.

Even at this time no record was kept of the debates in the congregations of theologians. Massarelli's *Summarium* (*Summa responsionis*) is the only, though very inadequate source for an answer to the question whether the lectures of the conciliar theologians achieved their purpose. If we go by this source we are at least able to state definitely that the essential points of the Catholic teaching on original sin were formulated in the following propositions: Original sin stems (*derivatur*) from Adam's sin; it perpetuates itself not by imitation but through physical propagation (*contrahitur natura ex carne infecta*); it is each human being's own sin but differs from mortal sin in that it is not due to a personal act of the will; its guilt and the penalty due to it (*reatus poenae*) are remitted through baptism but concupiscence and physical death remain even after baptism. From a theological point of view the *Summarium* is unsatisfactory for a number of reasons. For one thing, it does not even exhibit the full scriptural and patristic material while the earlier pronouncements of the ecclesiastical *magisterium* at the Councils—which were of paramount importance for the present gathering—had to be subsequently put together by the legates and communicated to the Fathers for their guidance. As a result of the attempt to by-pass the scholastic controversy of the nature of original sin the answers to the second question lacked clarity. The adherents of Augustinianism were not likely to accept St Anselm of Canterbury's definition of original sin, which was that it consists essentially in the lack of original justice. But if they regarded concupiscence, joined to the *reatus culpae*, as the essence of original sin, in fact if they viewed it not as an effect but as an essential property of it, what would be their attitude to St Anselm's definition? The Thomist solution, that the two elements (the absence of original justice and concupiscence) are like matter and form, is not mentioned in the *Summarium* although five Dominicans had spoken at the conference.

Only one solitary theologian's answer to the questions is accurately known. The Spanish secular priest Juan Morilla, who, as Cardinal Pole's theologian, may possibly have had something to do with the drawing up of the list of questions, stuck closely to it in his tractate on original sin.¹ He begins by proving from Scripture the fact of original

¹ Juan Morilla's tract on original sin, *C.T.*, vol. XII, pp. 553-65. Even Gutiérrez has found but little information about the author, *Españoles*, pp. 656-9. The passage

sin, and from the anti-Pelagian Councils and the decree for the Jacobites he proves that it is a dogma of the Church. He then systematically expounds the theology of original sin, the basis of which is the doctrine of original justice. Before his fall Adam possessed an unimpaired human nature whose powers were all concentrated on God through supernatural grace. As father of the human race, in fact as *the* man (*communis homo*), it was possible for him—by reason of a compact with his Creator—to preserve this original justice for his progeny, on condition that he remained subject to God or, alternatively, to forfeit it through disobedience. By his fall he forfeited both for himself and for his progeny all the gifts with which he had been endowed in the beginning. These were the integrity of his nature, God's special grace (*singularis gratia Dei*), the inner harmony of his soul due to the dominion of reason over the will and the lower powers of the soul, as well as his external happiness which consisted in the subjection of creation to his dominion. Since the fall, man is dominated by evil desire which causes his whole nature and all the spiritual powers of his soul to rebel against the will and the law of God—not forcibly (*non coacte*), yet with a kind of ready necessity (*necessitate quadam spontanea*), and thus makes him a slave of sin. The penalties of original sin are the following: the death of the body and hereafter not only the loss of God (*poena damni*), “as is taught by nearly all scholastic theologians”, but likewise sensible punishments (*poena sensus*), according to St Augustine's teaching as well as that of Gregory of Rimini and John Driedo among recent theologians. Original sin is transmitted to every child of Adam at the moment when the soul, upright in the instant of its creation by God, is united to the body whose generation is tainted by concupiscence.

Morilla's Augustinianism appears in his teaching on the remission of original sin by baptism even more clearly than in the description of its nature. By incorporating us in Christ, the second Adam, baptism blots out the guilt of sin and the sentence of condemnation (*reatum peccati et damnationis aeternae*), and from sons of Adam makes us sons of God; on the other hand it does not remove concupiscence which remains in the baptised *ad agonem*—as an occasion for moral effort. Before baptism concupiscence was a substantial element (*in essentia peccati*) and

about concupiscence remaining after baptism runs as follows: “Sed tanta remanet adhuc post baptismum huius pravae concupiscentiae per totam vitam in omnibus illis vehementia, tam varii et importuni motus eius, ut, donec illa per mortem carnis et victoriam spiritus in Christo absumpta fuerit, nemo reperiatur tam sanctus in hac vita, qui sit omnino sine peccato et qui perfectam iustitiae mensuram suis operibus aequet”, *C.T.*, VOL. XII, p. 562, l. 23.

in some way the matter (*quasi materia*) of original sin whose "form and soul" consisted in the *reatus culpae*. After baptism concupiscence remains as an effect of original sin and a hindrance to doing that which is right—thus it is able to impede the attainment of perfect righteousness in this life. It is, therefore, not a sin in the strict sense of the word, but a weight that drags the regenerated downwards, towards sin. Concupiscence as the cause of "imperfect righteousness"—an Augustinian opinion—was destined to become the most important controversial point not only in the debate on original sin but also in that on justification.

Before the Council had formally agreed to the proposal made by Del Monte on 21 May, the congregations of the theologians met on 24 and 25 May. From this circumstance we may infer that these gatherings were not as yet regarded as an integral part of the Council's business procedure. The assembly's agreement to a discussion of the dogma of original sin was for the moment by no means assured. Certain symptoms pointed to the fact that the imperial group was bent on offering organised resistance. On the instructions of the imperial ambassador, Francisco de Toledo, the Bishop of La Cava requested the legates, on 22 May, to delay the debate on original sin for a few days until instructions from the Emperor should have arrived. The legates flatly rejected the suggestion, for even if the Emperor had taken up an attitude on this point, the Council would not suffer itself to be robbed of its freedom of action.¹ On 25 May Diego Mendoza returned to Trent, so that both imperial envoys were now present. Toledo had convened ten Spanish and Neapolitan bishops for the purpose, no doubt, of delaying with their help the opening of the discussions of dogma.

However, the legates knew what they were about. Lest they should create the impression that they were intimidated by Mendoza's arrival they put off the general congregation until 28 May, so as to make it possible for the envoy—who was laid low by another attack of fever—to be present at that gathering. His presence was not dangerous, for it was well known that the Emperor's ambassadors had no instructions from their sovereign to impede the dogmatic deliberations. Pacheco too,

¹ The legates' conference with the Bishop of La Cava, *C.T.*, VOL. X, p. 496. Toledo presented a letter from Granvella, dated 18 May, which held out a prospect of the instructions he had asked for. On 22 May he despatched a courier to Ratisbon with a fresh request for instructions for his conduct, *ibid.*, p. 503. But even the instructions of 31 May, VOL. XI, pp. 52 f., were in very general terms. He was told "de temporizar y entretener la cosa por los mejores medios que os parescera, . . . que no se proceda ny haga cosa de substancia en los puntos que nos haveis consultado, hasta . . . llegue el R.mo de Trento". The meeting of Mendoza by four archbishops and eleven bishops on 28 May, in *C.T.*, VOL. I, p. 550.

who, since Madruzzo's departure on 12 May for the Diet of Ratisbon, was the sole leader of the imperial group of bishops, was without any such instructions, in fact he was all the more unlikely to prove dangerous as there were signs that he was drawing closer to the policy of the legates and to a better understanding of the universal obligations of the Council. His elevation to the cardinalate on 16 December 1545, only a few days after the opening of the Council, as well as the consideration shown him by the legates, ended by bearing fruit. It is time that we busy ourselves more closely with this man, the real representative of the Emperor within the inner circles of the Council.

Through his parents on both sides Pedro Pacheco belonged to the higher nobility. He made his mark as a jurist in the service of the Spanish Crown. While holding the office of Dean of Compostella he had the modest diocese of Mondoñedo bestowed on him in 1532. He then successively occupied the sees of Ciudad Rodrigo, Pamplona, and from 1545 the wealthy see of Jaën. During the six years that he held the see of Pamplona (1539-45) he resided continually in his diocese and zealously discharged all the duties of a diocesan bishop. This short, sallow-complexioned prelate, now in his later fifties and moreover destitute of the gift of eloquence, the Emperor despatched to Trent as his trusty representative. Thither a reputation of an energetic and resourceful defender of the imperial interests had preceded him. The Pope had long hesitated to bestow the red hat on him for it was alleged that he had been concerned with the Sack of Rome and the drafting of the Pragmatic Sanction which in many ways infringed the Church's liberty. However, after Pacheco had presented himself at Trent on 24 July 1545, the shrewd Farnese relented and sent him the red biretta through a courier and on 13 January the president of the Council solemnly placed it on his head in the church of Santa Trinità. From that day the legates never failed to show him the deference that was in keeping with his new dignity or that his political influence seemed to demand. The first result of these shrewd tactics that the legates were able to register at the end of January was that, unlike Madruzzo, Pacheco offered no objection to the parallel discussion of dogma and reform. In the matter of translation of the Bible into the vernacular, and in pressing for an early treatment of the bishops' duty of residence, he maintained the Spanish ecclesiastical standpoint. Politics had very little to do with this attitude. Now, in return for the concession that the duty of residence would be put on the agenda of the Council at an early date, he offered but little opposition to the opening of the dogmatic

debate.¹ He was obviously of the opinion that the principle of a parallel discussion represented a working compromise since the treatment of dogma by the Council could not and should not be put off indefinitely.

However, the first impression made by Pacheco's speech at the general congregation of 28 May² was very different. He began by saying that he was only prepared to speak on the question of the penalties by means of which compliance with the duty of episcopal residence could be enforced. On the other hand, if they were going to discuss dogma, he proposed that they should first decide the controversy whether the Mother of God had been conceived without original sin. Was this proposal a delaying manoeuvre?

The question of the Immaculate Conception was not a controverted doctrine between Catholics and Protestants, but it was hotly disputed in the schools of theology. From the time when Duns Scotus, in opposition to the teaching of the great scholastics, had taken up the defence of the doctrine that the Blessed Virgin was preserved from original sin in the moment of her conception, Scotists and Thomists, Franciscans and Dominicans had been in sharp conflict with one another, a conflict of which the echoes were even heard in the pulpit. By means of two Constitutions the Franciscan Pope Sixtus IV had vainly striven to remove its worst exaggerations.³ The doctrine of the Immaculate

¹ According to Gutiérrez, *Españoles*, pp. 976-83, Pedro Pacheco was the son of Don Alonso Téllez Girón, lord of La Puebla de Montalbán, in Old Castile, and of Doña Marina de Guevara. His father and grandfather held high rank in the Order of San Iago. For his activity at Pamplona, see J. Goñi Gaztambide, *Los Navarros en el concilio de Trento* (Pamplona 1947), pp. 150-60. The objections to his elevation to the cardinalate, in Massarelli, *C.T.*, VOL. I, pp. 225 f., 262; the imposition of the biretta, *ibid.*, pp. 364, 373 f.; the red hat was only brought to Trent by Farnese in August. Cervini's observation about Pacheco's attitude to the discussion of dogma, *C.T.*, VOL. X, p. 330. Pacheco was viceroy of Naples in 1553-5.

² General congregation of 28 May: Severoli's suspicion, *C.T.*, VOL. I, pp. 64 ff., also held by the Bishop of Motula, VOL. X, p. 533, that Pacheco had endeavoured to prevent a start being made with the dogmatic discussions, is refuted by the legates' remark "dal card. di Jaen in fuora", VOL. X, p. 502, l. 23; cf. Ehses, VOL. V, p. 166, n. 3. The protocol, VOL. V, pp. 166-70 is further clarified by the detailed report of the legates of 28 May, VOL. X, pp. 551 ff., and Cervini's private report of the 29th, *ibid.*, pp. 504 ff. All this goes to show that the principle of the parallel discussion was the legates' firm standpoint in their effort to ward off the attacks on the draft of the decree on original sin, and that they were prepared to make a start with the debate on residence. Characteristic is the sharp rebuke administered by Cervini to the Bishops of Sinigaglia and Accia for their objection to the opening of the dogmatic debate although they did not belong to the imperial group.

³ To understand the controversy about the Immaculate Conception it is necessary to bear in mind that St Bernard of Clairvaux and all the four great scholastics of the thirteenth century had pronounced against this doctrine and that a swing over in its

Conception had been steadily gaining ground and the powerful Dominican Order alone continued to oppose it. If the Council were to submit this difficult theological question to a thorough examination, with a view to an authoritative decision, it could be foreseen that its time would be taken up for weeks, and even for months. In that case the debate on controverted doctrines would be put off for the time being. The promoter of the Council, Severoli, ascribed just such an intention to Pacheco, but there is little doubt that he was mistaken. The more obvious reason is the true one. As he had a fervent devotion to the Virgin Mary and was a convinced adherent of the Immaculate Conception, he was anxious to get the doctrine in which he believed defined by the Council. He had no intention of thwarting the legates' proposals.

The Bishop of Sinigaglia, supported by four other prelates, spoke indeed against the opening of the dogmatic discussion, on the ground that such a debate would interfere with the efforts for union then being made at the Diet of Ratisbon. Moreover, by reason of the small number of its members, the Council did not possess the desirable moral authority for such weighty decisions. However, this small, heterogeneous group was not able to stay the course of events. The Bishop of Fano had an easy task in saving the situation for the legates. Bertano, a Dominican, uttered a grave warning against throwing this apple of discord, namely the doctrine of the Immaculate Conception, to the assembly. No one would gain anything thereby, except the Protestants, because the decision of so subtle a theological question, on which the Apostolic See had

favour was only brought about by Scotus, cf. Ch. Balič, "J. Duns Scotus et historia Immaculatae Conceptionis", *Antonianum*, xxx (1955), pp. 349-488. In the fifteenth century it made steady progress; the Council of Basle spoke in its favour (H. Ameri, *Doctrina theologorum de Immaculata B.M.V. Conceptione tempore concilii Basiliensis* (Rome 1954); the University of Paris accepted it in 1459; that of Cologne in 1499. In the constitution *Cum praeexcelsa* of 28 February 1476, Sixtus IV pronounced in favour of the doctrine and cult of the Immaculate Conception, but in the constitution *Grave nimis* of 4 September 1483, he forbade the two opposite parties, viz. the Franciscans and the Dominicans, to call each other heretics, "cum nondum sit a Romana Ecclesia et Apostolica Sede decisum", Denzinger no. 734 f. For all that, the dispute, which had become a dispute between two Orders, went on. In Advent 1537 a Franciscan asserted in the cathedral of Vigevano that the Immaculate Conception was "chosa determinata dalla Santa Romana Chiesa". When by order of the viceroy, Cardinal Caracciolo, the bishop challenged him to produce proofs for his assertion the preacher appealed to the Council of Basle which, on 17 September 1449 had declared this doctrine to be "pious and in accordance with the practice of the Catholic Church and the Catholic faith", but this was at a time when that assembly was already schismatical. The bishop referred the two contending parties to the future Council. The letters of Caracciolo and those of the bishop, 18 and 20 December 1537, in F. Chabod, *Storia religiosa dello stato di Milano durante il dominio di Carlo V* (Bologna 1938), p. 189.

hitherto maintained great reserve, would divert the Council for a period of three months from its proper task. It would be a good thing to pass it over in silence. The result of this pressing warning of the Bishop of Fano was that Pacheco's suggestion had no further sequel. It was taken up by only three prelates, the Bishops of Syracuse, Belcastro and Astorga. The overwhelming majority took the same standpoint as the legates and from it the Council never departed; this was that their task at Trent was not to decide questions disputed in the schools but to define controverted doctrines.

The Bishop of Fano had also serious misgivings about the question of episcopal residence being opened so soon and so extensively. The removal of the impediments to residence, he pleaded, which were largely due to the secular authorities, demanded the presence of their envoys and a much more numerous attendance at the Council: neither of these prerequisites was as yet fulfilled. It was known that the Bishop of Fano had close relations with the legates. Was it after all his intention to get the question of residence indefinitely shelved?

The Spaniards suspected it. Pacheco announced that he would have to withdraw his agreement to the treatment of original sin if the parallel discussion of dogma and reform were to be called in question. As a matter of fact the legates' hopes of carrying through their dogmatic programme rested on this principle, for which they had had to put up a hard fight at one time. It was therefore in their own interest that it should not be tampered with; the only thing they were unwilling to do was to take up the debate on residence at once and to treat the consequent decree as a kind of appendix to the decree on preaching which, in that case, would not be disposed of according to plan. When the Bishop of Castellamare declared that the decree on preaching would be incomplete without a supplementary one on the duty of residence, Cervini replied: "You compel me to say what I wished to pass over in silence. The decree on preaching must be passed; as for the duty of residence, it will be debated in due time." In this way he quietly corrected an unconsidered remark which shortly before had escaped his colleague Del Monte. No one prevented the reformers of the Church, the latter had said, with unmistakable irony, from beginning with themselves and from doing penance in sack-cloth and ashes. In any case they would not be able to fulfil their duty of residence while the Council lasted. A decree on this subject would therefore come in the last place, before the dissolution of the assembly.

It had become evident that though many officials of the Curia were desirous of postponing the debate on residence as long as possible, such a plan was fraught with danger and, in fact, could not be adhered to if the principle of a parallel discussion were to be maintained. In their report to Rome, drawn up on the same day, the legates stated that they felt that the duty of residence must be the next item in the order of the day of the Council.

At the conclusion of the general congregation of 28 May, Del Monte could see that the majority of the assembly agreed with the legates' proposal to debate the doctrine of original sin. A list of papal and conciliar decisions on original sin, drawn up by their order, was read out and a copy was handed to all the Fathers of the Council on the same day.¹ In the introduction of this catalogue the triple set of questions which had been laid before the theologians, was reduced to a double one, namely the origin, transmission and guilt of original sin on the one hand; its remission and its effects on the other.

The first set of questions occupied the general congregation of 31 May.² It almost looked at first as if Pacheco's proposal to approve the existing decisions on the dogma relating to original sin without further discussion would be acted upon. The proposal met the wishes of those who thought it superfluous to debate at length a dogma of the faith which no one questioned. These men were prepared to leave it to the conciliar theologians, or to a commission created for the purpose, to formulate at once an appropriate decree. But it was these very theologians, whom the Bishop of La Cava had but recently accused of obscuring the fact of original sin by their cantankerous discussions, who would have none of

¹ The collection of authorities on the dogma of original sin includes: canon 2, wrongly ascribed to the Council of Milevum (A.D. 416), but which belongs to the Council of Carthage (A.D. 419); canons 1 and 2 of Orange (A.D. 529); canon 2 of the Twelfth Council of Toledo (A.D. 681); the Bull for the Jacobites, 6 February 1441; the letter of Innocent I to the Council of Carthage in 417, quoted as *epistola* 25 in Crabbe's *Concilia omnia*, which was confirmed by Celestine I in 431; letters 1 and 15 of Leo the Great, also after Crabbe. I may remark here once for all that during the first two periods of the Council the Fathers usually quote the Councils from Crabbe's *Concilia* which had been printed at Cologne in 1538. At times, of course, manuscripts were also quoted, especially for Greek Councils.

² General congregation of 31 May: Merkle has already commented on the brevity with which Severoli, *C.T.*, vol. 1, pp. 66 f., disposes of this congregation of nearly five hours' duration; the reason is that he was less interested in dogmatic questions than in disciplinary and political ones. The four original votes added to the protocol, vol. v, pp. 172-6, viz. those of the Bishops of Matera, La Cava, Bosa and Motula, restrict themselves to the first point. In their report of 2 June, vol. x, p. 509, the legates observe that the Fathers did not take advantage of the offer to break through the accustomed procedure in the voting by allowing theologically trained prelates to speak first.

this simplification of the problem. "How are we to explain", De' Nobili asked, "that every new-born child, though it has not sinned by a personal act, is yet subject to original sin and to the everlasting punishment that follows it, so much so in fact that one should not really speak of one original sin but of many original sins? If according to Rom. v, 12, we have all sinned in Adam so that we, his progeny, inherit a nature that is already corrupt, there arises the further question how the creation of such a nature can be reconciled with our notion of God, and the still more difficult question how the eternal damnation of children who die without baptism, as St Augustine maintains, can be theologically justified?" The proctor of the Cardinal of Augsburg expressly rejected this doctrine. "These children", he said, "are only deprived of the beatific vision of God." Another theologian, the Bishop of Bitonto, warned the Council against formulating a definition of original sin; if they did, they could not avoid coming down in favour of one of the several opinions of the schools.

Confirmation of earlier dogmatic definitions, without a previous discussion, as contemplated by Pacheco, presupposed that at this time and in this sphere no new errors had arisen which the Council was bound to deal with. As a matter of fact there were many such errors. Anyone who had studied Luther's theological anthropology, or who had acquainted himself with Zwingli's whittling down of original sin to a mere hereditary disease, could not be satisfied with the summary procedure advocated by Pacheco. For such a student a more careful examination of the Protestant teaching on original sin and concupiscence was not only desirable, it was indispensable.

Accordingly the Bishops of Fano and Calahorra, dissatisfied with the summary method of the legates, demanded that the erroneous statements of the adherents of Luther and Zwingli should be extracted from their writings and condemned word by word, though without mention of the names of their authors. The condemnation of definite propositions of theological writers was in accordance with the traditions both of the Councils and of the Popes. The Bishop of the Canary Islands suggested that if this well-tried method was to be dispensed with, they should at least clearly formulate the controverted points before they defined the Catholic teaching. The Bishop of Feltre drew attention to a third possibility. They might adopt one of the formulas defining original sin which had been drawn up at the Diet of Augsburg in 1530 and at that of Ratisbon in 1541, all of which had been accepted by the theologians of both parties. All three proposals rested on the notion that it was

impossible merely to reiterate former conciliar definitions inasmuch as they did not take into account the existing state of the proclamation of the faith.

It would seem that the legates fully appreciated the criticism of their way of acting by the Bishops of Fano and Calahorra for on 9 June they made up for what they had neglected by submitting a list of errors, and on the next occasion, in the debate on justification, they placed the list of errors drawn up on 30 June at the beginning of the discussion.

The second set of questions, namely the remission of original sin and the effects of that sin, was only taken up on 4 June after the feast of the Ascension. Two general congregations were required for the debate because the heat of summer, which was beginning to make itself felt, made it advisable to limit the duration of the discussions to a period of three hours at most.¹ Here the Council touched on a basic divergence from Protestantism. Luther's ethical evaluation of concupiscence which remains after baptism, had already been described by his first opponent, the Dominican from Cologne, Jacob Hochstraten, as a "‘stone of stumbling’ against which Luther was broken”.² The Bull *Exsurge* had condemned the following two propositions: "He who denies that sin remains in the baptised child overthrows both Paul and Christ" (art. 2); "the ‘tinder’ of sin prevents the soul from entering heaven when it leaves the body, even if there is no actual sin" (art. 3). Luther had maintained both propositions in his defence of the con-

¹ General congregations of 4 and 5 June: the protocol is completed by six original votes, viz. those of the Bishops of Sassari, Fiesole, Vaison, Bosa, Motula and Verona, *C.T.*, VOL. V, pp. 182-96. The i's are once more dotted and the t's crossed by Severoli, VOL. I, pp. 67 ff., and by the legates' report of 4 June, VOL. X, p. 512, in which they express the suspicion that when the Bishop of Sinigaglia proposed the nominal condemnation of Protestants already dead—in the first instance, therefore, Luther's condemnation—and the citation of the living to appear before the Council, that prelate, who was no favourite of theirs, merely sought to delay the proceedings.

² For the article on original sin in controversial theology, articles 2 and 3 of the Bull *Exsurge*, Denzinger no. 742 f. must be compared. The *Assertio omnium articulorum* was printed in December 1520 and is in VOL. VII, pp. 94-151, of the Weimar edition of Luther's works; cf. also W. Braun, *Die Bedeutung der Konkupiszenz in Luthers Leben und Lehre* (Berlin 1908). The first Catholic replies by Hochstraten, Cochlaeus, Eck and Schatzgeyer are discussed by H. Jedin in *Des Johannes Cochlaeus Streitschrift "De libero arbitrio hominis 1525"* (Breslau 1927), pp. 17-47, 49 ff.; the later ones (e.g. by Castro and Catharinus) by Pénagos, *La doctrina del pecado original*, pp. 138-62; a collection of quotations in H. Laemmer, *Die vortridentinisch-katholische Theologie* (Berlin 1858), pp. 104-20. For Luther's inaccurate quotations from St Augustine's *De nuptiis et concupiscentia* I, 25 and 26 (Migne, *P.L.* 44, 430), and *Contra Julianum Pelag.* VI, 19, (*ibid.*, 44, 858), see Denifle, *Luther und Luthertum*, I, pp. 482 f., 490. The alteration of the texts quoted had already been noted by Hochstraten and was criticised at the Council by the Bishop of Syracuse, *C.T.*, VOL. V, p. 193.

demned articles (the *Assertio* of 1520) and had even further emphasised them, whereas Melanchthon in his *Apologia* of the second article of the *Confessio Augustana*, had come appreciably nearer to the Thomistic teaching on original sin when he taught that the guilt (*reatus*) of original sin is removed by baptism while concupiscence, the *materia* of sin, remains. Luther, however, appealing to the seventh chapter of the Epistle to the Romans and to St Augustine, continued to describe it as sin in the true and proper sense of the word, on the ground that even its involuntary movements make it impossible to fulfil the divine command "Thou shalt not covet", and by reason of its presence the man justified by faith is at one and the same time "a just man and a sinner" inasmuch as by faith he shares in the redemption wrought by Jesus Christ, and in the power of that faith fights the evil in his heart, while he is also a sinner precisely because this evil thing, "invincible concupiscence", remains alive in him. The Council was now brought up against the very basis of the Lutheran teaching on justification, and one of the most important as well as the most difficult points of controversy, because Luther's view seemingly found support in St Paul and St Augustine. Catholic controversial theology had endeavoured, partly by analysing the meaning of the word "sin" as used in the Bible, partly by a profound study of St Augustine's writings against the Pelagians and the mediating teaching of St Thomas, to clear existing difficulties out of the way. The Dominican Ambrosius Catharinus and the Dutchman Albert Pighius who followed in his footsteps, had imagined that the difficulty would be overcome if original sin were understood as consisting in the imputation of a numerically unique primitive or original sin to all the children of Adam. The Council declared this solution to be untenable and accordingly rejected it. On the other hand those theologians who were influenced by Augustinianism sharply opposed the undoubted tendency of a number of nominalists to whittle down the nature of concupiscence which is opposed to the divine law, to a purely physical phenomenon; that is, they opposed a teaching which Luther had made first and foremost his business to attack.

In the general congregation of 4 June, in which thirty-four of the Fathers of the Council spoke, this tension within the Catholic body was not felt so strongly as in that of the next day. There was general agreement that the guilt of original sin is completely removed by baptism and that concupiscence, which survives baptism, cannot be described as a sin in the strict sense of the word. Only a few of the

Fathers—at least as far as can be gathered from the records—seem to have been fully aware of the Biblical and patristic difficulties; they were the Scotsman Wauchope, Archbishop of Armagh, the Bishop of Accia, in Corsica, Benedetto de' Nobili, a native of Lucca, the Bishop of Lanciano and the Bishops of Motula and Syracuse of whose votes we possess the original text, and above all the Bishop of Fano. Besides Luther, the latter also quoted Martin Bucer of Strasbourg as teaching that sin is not removed but merely covered up. St Paul, St Augustine and St Thomas Aquinas had indeed described concupiscence as “sin”, but they understood the word in a wider sense, as something that inclines us to evil and makes it difficult for us to follow the good. The unruly character of concupiscence was even more notably lessened by the Bishop of Bitonto who, on 5 June, as the first of the remaining fourteen Fathers opened the debate with a vote which took him an hour to deliver but which was attentively listened to by all present. He accounted for St Paul’s language by explaining that before baptism concupiscence was a sin whereas after baptism it is only an “occasion” of sin. His fellow-Franciscan, the Bishop of the Canary Islands, went even further. Concupiscence, he declared, is not a sin because what belongs to human nature cannot be a sin.

This attempt to render concupiscence innocuous by reducing it to the status of a morally indifferent natural power of the soul was countered with great decisiveness by the general of the Augustinians, Seripando, of whose views we get no more than the outline in Massarelli’s protocol but which he set down in detail in a tractate which must have been composed in the course of the debate for it already takes note of the Bishop of Bitonto’s teaching.¹ For Seripando, as for his fellow-Augustinian, Gregory of Rimini, concupiscence is the essence of original sin. It is the *actus* of original sin, the “act” which, together with the guilt (*reatus culpae*), causes the unbaptised to inherit guilt. After baptism concupiscence may no longer be called “sin” in the strict sense of the word, but it can be called sin *aliqua ratione* inasmuch as

¹ Seripando’s tractate on original sin, *C.T.*, VOL. XII, pp. 549-53; the vote comprises only nine lines, VOL. V, pp. 194 f.; the copy, made after the event, was published by Ehses, *R.Q.*, XXVII (1913), pp. 29 f. For its elucidation see Koch, “Das Trienter Konzilsdekret ‘De peccato originali’”, *T.Q.*, xcvi (1914), pp. 117-22; H. Jedin, *Seripando*, VOL. I, pp. 354-8 (Eng. edn., pp. 314-19). For the teaching on original sin in the Augustinian school of the late Middle Ages, see A. Zumkeller, “Hugolin von Orvieto über Urstand und Erbsünde”, *Augustiniana*, III (1953), pp. 35-62, 165-93; IV (1954), pp. 25-46. D. Trapp, “Augustinian Theology of the fourteenth century”, *Augustiniana*, published by F. Roth and N. Teewen (New York 1956), pp. 146-274, is essential for the Augustinian school of the fourteenth century.

it is the consequence and the punishment of the first sin, the root and cause of many grievous sins and—this is the decisive point—by its mere presence hinders the perfect fulfilment of the law of God. So long as man is not freed from it, that is, even from its instinctive movements, he is unable to fulfil the commandment “Thou shalt not covet”. This commandment does not merely forbid voluntary desires, as the Bishop of Bitonto had asserted, but likewise, according to the teaching of St Augustine, the involuntary motions of concupiscence. Only when death sets him free from these things can perfect righteousness be realised in man. Hence in the baptised concupiscence is both a moral weakness (*infirmity*) and a moral task. It is the latter inasmuch as it obliges us to exert all our energy in the struggle against evil, and brings home to the justified the necessity of grace and preserves him from self-righteousness.

Did Seripando then range himself by the side of Luther when he held such opinions? His answer was an emphatic: No! Concupiscence in the baptised is indeed displeasing to God but it does not render him liable to eternal damnation since its guilt has been remitted. Baptised children who die before they are morally responsible are not condemned because of it, though the fact remains that it is opposed to God. Seripando accordingly proposes that preachers should not be forbidden to describe concupiscence in the baptised as “sin”—when they do so they are at one with St Paul and St Augustine—so long as they explain in what sense they use this term, while on the other hand preachers who say that it is not a sin must add why it is not a sin, namely because “its guilt has been remitted so that it is not imputed unto everlasting punishment”. Seripando’s vote differs from the opinion of the majority for yet another reason. In his view the first remedy against original sin is faith—the sacrament of faith, that is, baptism being given second place. Baptism, he declared, produces its liberating effect in conjunction with the faith of the catechumen or, as in the case of infants the faith of the godparents. On this point also Seripando seemed to approximate to Luther. The Bishop of Syracuse, who had Gaspar of Syracuse, an Augustinian Hermit, for his theological adviser, and the spokesman of the Benedictine Abbots, were alone in expressing similar opinions. They too assigned to faith the first and decisive role in the process of justification. Their votes foreshadowed yet another fundamental problem of the doctrine of justification.

Seripando’s vote could hardly fail to render his orthodoxy suspect but for the moment suspicion did not dare to come out into the

open against the Pope's man and the trusted friend of the legate Cervini. On the other hand the Bishop of Mallorca, Gianbattista Campeggio, the son of Lorenzo Campeggio, accused the general of the Servites Bonuccio who had already shocked those who heard his sermon at the opening of the fourth Session, of favouring heresy because in his vote of 31 May he had, according to all appearances, warned the Fathers that if they condemned the opinion that concupiscence in the baptised can be called "sin", they would also condemn, together with the Protestants, such men as St Paul and St Augustine, St Thomas and Gregory of Rimini. Bonuccio defended himself against this accusation in his vote of 5 June. His defence was that he had merely wished to draw the attention of the Council to the need of choosing words with the utmost care so that no condemnation of the above-named could be read into them.¹

As soon as the discussion of the Protestant doctrine of salvation opened, the Council saw itself faced by yet another question, one fraught with weighty consequences. Could they be content with condemning errors without naming their authors? Were they not bound in justice to summon before the Council those living authors whose opinions they rejected, in order to give them a hearing, or if they refused to appear—as was to be expected—to condemn them by name, but only after all the formalities of the law had been fulfilled? The invitations to the Council had been issued to the Protestant Estates of the Empire, but not to their divines. Was the Council not bound to abide by the rules which govern a process for heresy if it included the authors of heresy in its sentence?

This demand had been raised by the Bishop of Sinigaglia in the general congregation of 4 June. The Bishops of Torcelli, Bosa and Lanciano joined him on the same day and on the following day the Bishop of Calahorra did so likewise. Yet on 28 May this same Bishop of Sinigaglia had deprecated the opening of the dogmatic discussions. The legates accordingly suspected, without openly saying so, that his demand was inspired by a desire to delay the discussion of dogmatic questions, for it was easy to see that a mere attempt to cite say, Melanchthon or Bucer, would mean a delay of several months for the contemplated decree. Such a suspicion was natural enough but no positive proof is forthcoming. It is more likely that considerations of Canon Law rather than political motives prompted the demand,

¹ The content of Bonuccio's vote of 31 May is only known from his answer of 5 June, *C.T.*, VOL. V, p. 195; the Bishop of Mallorca's attack on him, VOL. I, p. 68, l. 14.

though it is evident enough that if at a future date the Council was to treat with the Protestant Estates with a view to reunion, it was an indispensable prerequisite that their persons should be treated with consideration. Neither Pacheco nor the two envoys betrayed in any way what they thought of the Bishop of Sinigaglia's proposal. So for the time being it remained in suspense.

By his vote on 5 June on the place of faith in the process of justification and the ethical evaluation of concupiscence, Seripando got to the very core of the dogmatic discussions. Ten days later his vote on the privileges of the exempt Orders which we have already mentioned led to a revision of the decree on preaching. From now onward his place was in the front rank of the conciliar platform. Modest and reserved, skilful with pen and tongue, Seripando, now in his early fifties, was sprung from the intellectually wide-awake if somewhat thin social stratum constituted by the higher officials of the Kingdom of Naples, at that time subject to Spanish domination.¹ In 1507—hence only two years after Luther—he had joined the Order of the Hermits of St Augustine and like Luther, a strict congregation, that of San Giovanni a Carbonara. In the capacity of secretary to the general, that keen reformer Egidio of Viterbo, he had shared the latter's reforming activities. For a time he acted as regent of the Order's house of studies at Bologna. While Gabriele della Volta was general, Seripando spent a period of fifteen years in his native city of Naples, where he was chiefly occupied with philosophical and humanistic studies, more particularly the study of Plato, but he also had contacts with evangelistic circles. By the express wish of the Pope who had named him Vicar General in 1538, he was elected general in the following year. The Pope's expectations were not disappointed. By means of tireless exertions and a visitation which took him through almost the whole of Italy and even as far as France and Spain, he reorganised his grievously troubled Order; above all else he mercilessly rid it of any followers of Luther. At the Council his comprehensive theological and humanistic formation, his zeal for reform and his sound judgment won for him in a short time the confidence, nay, the friendship of Cervini and Pole. He became one of the most valuable among the silent collaborators of the legatine body. To this position of confidence he owed the protection he

¹ The appreciation of Seripando's personality in the text is based on my biography: *Girolamo Seripando*, 2 Vols. (Würzburg 1937); Eng. edn., London 1947. The numerous studies of his teaching on justification which have appeared since that time are here mentioned in CH. VII.

was to enjoy amid the storms that awaited him in the coming months and of which the first omens appeared during the debate on original sin.

While the first general debate on original sin was still in progress, the legates instructed certain "learned persons" to prepare the draft of a decree, with the intention, no doubt, to circumvent in this way the setting up of a commission for that purpose. The imperfect functioning of similar bodies had greatly increased the difficulty experienced in the formulation of the decrees of the previous Session. On 6 June Massarelli showed the draft to three prelates, namely to the learned coadjutor of Verona, Luigi Lippomani, and to the Bishops of Fano and Bertinoro, both of them Dominicans, as well as to two Franciscan theologians, the Spaniard Alfonso de Castro and the Sicilian Francesco de' Patti. On the following day Massarelli handed out the text. The draft of the decree (Form I) consisted of four canons:¹

- (1) Adam's sin entailed for him the loss of the holiness and righteousness with which he had been endowed, God's anger, the death of the body and slavery to Satan.
- (2) These punishments did not touch the person of Adam only, but in accordance with a general law (*secundum communem legem*) they were transmitted to the whole human race.
- (3) The "disease of original sin" is transmitted through procreation, not by imitation, and is proper to each human person. In view of the merits of Christ it is remitted through faith and baptism.
- (4) Because every child, even though born of baptised parents, is infected by original sin, it must be baptised in order that it may obtain eternal life by being bathed in the laver of baptism. Baptism

¹ For origin of Form I of the decree on original sin, 8 June, *C.T.*, VOL. v, pp. 196 f., the following references to sources must be noted. On 4 June the legates report to Rome "formassi intratanto il decreto", VOL. x, p. 513, l. 20. On the same day Massarelli calls on the Bishop of Fano "pro decreto huius secundae partis", VOL. I, p. 552, l. 20. On 9 June the legates report ". . . havendo fatta far la forma d'un decreto . . . da persone dotte et mostratolo anco privatamente a molti altri theologi del concilio et fuori, nella qual diligentia consumammo tre giorni, finalmente lunedì alli 7 ne facemmo copia a tutti i prelati", VOL. x, p. 520, l. 5. Massarelli accordingly notes on 6 June that he called upon the Bishops of Verona, Fano, Bertinoro and two Franciscan theologians and "apud plures alios praelatos", VOL. I, p. 552, l. 25. On 7 June, hence after the distribution of the text, he still consults the Bishop of Aquino, a humanist, on a quotation from St Augustine. That same week of June Cervini corrected the draft of the decree on original sin, VOL. XII, pp. 566-9, which comprised a lengthy introduction and six canons. Form II of the decree of 14 June has not been printed *in extenso*; its text is known from the list of alterations, *C.T.*, VOL. v, pp. 218 f.; it only differed from the definitive text by a different formulation of the clause about the Blessed Virgin Mary, VOL. I, p. 76, l. 17. An anonymous tract in defence of St Anselm's definition of original sin is in VOL. XII, pp. 569-73.

takes away not only the guilt of original sin but likewise whatever is sin in the true and proper sense of the word (*totum id auferri quod veram et propriam rationem peccati habet*), so that nothing remains in the baptised that is hateful in God's sight. However, there remain in the baptised "concupiscence", or a "tinder", "and a weakness or sickness of nature" (*manere in baptizatis concupiscentiam vel fomitem, naturae infirmitatem ac morbum*). These "relics of sin", St Paul describes sometimes by the term "sin", but the Catholic Church has at no time regarded them as sin in the proper sense of the word, but only in so far as they stem from sin and incline to sin (*quia ex peccato sunt et ad peccatum inclinant*). For this view of concupiscence the decree appeals to St Augustine and declares the Thomistic formula according to which the *formal* element of sin is removed by baptism while the *material* element remains, to be not unacceptable (*non improbat*).

Apart from this very cautious concluding sentence the draft of the decree carefully avoided the scholastic terminology. It committed itself to none of the well-known definitions of original sin—neither that of St Anselm, which was to the effect that original sin consisted in the lack of original justice, nor to the Augustinian theory as propounded by Peter Lombard. Its aim was to formulate the belief of the Church in Biblical and patristic terms and to steer clear of all scholastic differences of opinion. The Council even went a step further. In the course of the debate the above final clause, which declared the Thomistic definition of original sin to be tenable, encountered general disapproval and was accordingly dropped. In theology, the Bishop of Fiesole declared, scholasticism must be directed by the teaching *magisterium*, not the other way round.

That the results of scholastic speculation could not be simply passed over was proved by the criticism of the draft in the general congregation of 8 June.¹ In so far as the actual content was concerned, as distinct from the linguistic formulation, criticism fell chiefly on three points:

¹ General congregation of 8 June: the protocol, C.T., vol. v, pp. 199-203, supplemented by the original votes of the Bishops of Aix, Ascoli, Fiesole, Caorli, and by De' Nobili, shows that the legates' claim, C.T., vol. x, p. 520, that "fu laudato universalmente il decreto come ben fatta", was optimistic. Severoli, vol. i, pp. 69 f., wrongly imagines that criticism of the decree was exclusively concerned with its wording; he mentions the controversy about the Immaculate Conception and concludes: "hec controversia remaneat prout hactenus in ecclesia fuit et est." It should be noted that unlike the Bishop of Bosa and the general of the Servites, Pacheco did not demand a decision of the controversy by the Council but only an additional clause which would imply the Council's toleration of the Franciscan teaching.

Firstly, the description of Adam's original righteousness as *sanctitas*, seemed to be a positive decision of the controversy about the supernatural character of his original state. Pacheco, who was undoubtedly the spokesman of his theological adviser, Alfonso de Castro, and a number of the Fathers, proposed the substitution of *rectitudo* or *innocentia* for *sanctitas*.

Secondly, the teaching of the decree on the ethical evaluation of concupiscence in the baptised was felt to be self-contradictory. On the one hand it stated that original sin was completely blotted out by baptism so that nothing remained in the baptised that could offend the eye of God while on the other hand it referred to relics of original sin. If you speak of relics, the Bishop of Fiesole objected, something does remain which is somehow a sin. The clause must be dropped, or replaced by another, a milder one—such as *propensio*, *prinitas*, *incitamentum*. Seripando and Bonuccio sought to bring about uniformity by suggesting that the clause about the total removal of whatever is sin should be omitted altogether. The struggle around these clauses was in reality a discussion of the strictly Augustinian teaching on concupiscence.

Thirdly, Pacheco, and the majority that sided with him, saw a difficulty in the statement of canon 2, that original sin was transmitted to all Adam's children "in accordance with a universal law". This statement, they claimed, failed to do justice to the doctrine of the preservation of the Mother of God from the stain of original sin (*Immaculata Conceptio*), a doctrine to which the Church pays homage in her liturgy and which, in Pacheco's words, "is approved by all the universities"; hence the expression must be replaced by one which at least does not reject this doctrine. The opponents of the doctrine—by no means all of them Dominicans—insisted on the retention of the expression to which exception was taken, or if some addition was to be made to it it should be at least strictly non-committal (*ne aliqua pars offendatur*). In their opinion the formula proposed by the Bishop of Cagliari—*pie creditur*—was not neutral. At the end of the congregation Del Monte concluded that it was the opinion of the Council that "in the decree the exceptional position of the Blessed Virgin should be hinted at in a few words".

To provide such an additional clause and to consider or to reject the many other suggested improvements—most of them merely on points of style—would have been the business of a decree-commission, if such a body had been in existence. On a suggestion of the Bishop of Calahorra,

and lest they should have to bear the sole responsibility for the alterations in the draft, the legates decided to call in the theologians once more and to submit the draft to them. Moreover, with a view to convincing the Council of the careful manner in which they had proceeded up to this time, they submitted to the general congregation of 9 June a list of thirteen erroneous views of original sin which had been put forward by the Manichaeans, the Pelagians, by Luther and the Anabaptists. It is only by this list that we see how the draft of the decree affected two contemporary theologians in the Catholic camp, namely Erasmus who in his paraphrase of the epistle to the Romans had expressed the opinion that the fifth chapter of that epistle did not treat of original sin at all, and even more surprisingly, the Dutchman Albert Pighius, a man highly esteemed for his vigorous defence of the papal primacy. In his *Manual of Controversies* (1542), Pighius had taught that original sin was not a sin proper to every child of Adam but that it was due to the imputation of the one original, or first sin of Adam to all his descendants.¹ The words of the clause in canon 3 *unicuique proprium* were aimed at Pighius.

In order to give the conciliar theologians time to study the draft of the decree the legates arranged for two extraordinary general congregations on 9 and 10 June on a different theme, one that had been frequently mooted but had never been discussed, namely the bishops' duty of residence.² The only concern of these congregations was the question of procedure, namely whether the obligation of residence should be discussed at the same time as preaching, in accordance with a frequently expressed desire. On the other hand the reformers felt that the time had come for them to open the floodgates of their eloquence on what, in

¹ The list of errors in *C.T.*, vol. v, pp. 212 f.; the decisive passage in Pighius's *Controversiae* (Cologne 1542) fol. D 5^v: "Relinquitur ergo unicum illud esse peccatum ipsius, nempe originis nostrae, hoc est Adae, quod sonat vocabulum, et non suum uniuscuiusque proprium"; fol. E 2^r: "Cuius unius reatu constricti omnes nascimur." H. Jedin, *Studien über die Schriftstellertätigkeit Albert Pighes* (Münster 1931), p. 113.

² The general congregations of 9 and 10 June provide the first debate on the obligation of residence to which we shall have to return when we come to the antecedents of the decree of *Sessio VI*; here we only touch upon it in so far as it concerns the general course of the Council. Severoli, *C.T.*, vol. 1, pp. 70-5 is much more informative on this subject—which interested him—than the protocol, vol. v, pp. 209-16. The view advocated in my presentation is borne out, in my opinion, by the legates' reports of 9 and 12 June, vol. x, pp. 520, 523, and by Cervini's letter to Farnese, 10 June, *ibid.*, p. 522. The result of the vote, 28: 14, given in the protocol agrees with the statement of the legates: "li due terzi vinsero"; Severoli has 28: 18; Saraceni gives the minority as 14-15, *ibid.*, p. 526, l. 33. From the two reports of the strictly curial Saraceni, dated 13 and 17 June, we gather how greatly shocked these circles were when people from their own ranks (*beneficiati dalla Sede Apostolica*) and theologians of such repute as the Bishops of Fano and Bitonto, defended the *ius divinum* of residence and the inclusion of the cardinals in the decree and even demanded sharper penalties.

their opinion, was the very heart of Church reform. The president was not blameless for this widening of the scope of the debate, for Del Monte urged the assembly to express its opinion as to whether the neglect of the duty of residence should be mulcted with fresh penalties or whether the existing ones were adequate; furthermore, it was for them to decide who should be entrusted with the execution of these penalties. In this way the question of procedure was set on one side and the problem itself came under discussion. As was to be expected, the Fathers of the Council did not confine themselves to answering the president's questions; on the contrary, they discussed in detail the far wider problem whether the "impediments to residence" should be embodied in a future decree or whether a statement by the Council that the duty of residence rested on a divine ordinance would not be the most effective means to enforce it. There was likewise a plenteous variety of opinions on the subject of sanctions: "At what moment should a non-residing bishop forfeit his revenues? At what stage should he be punished with deposition? Whose duty was it to see to the execution of the penalties? Was it the Pope, the metropolitan or the provincial council?"

The blame administered by Del Monte to those who had gone beyond the boundaries of the theme submitted to them was not unjustified, but he himself was no less deserving of it. Cervini brought the debate back to the point from which it had started, namely the problem of procedure. He also put this alternative before the assembly: The Council must either refrain from discussing the "impediments", or from linking the decree on residence with that on preaching, which was already in their hands. As was to be expected, a great majority of the Fathers (twenty-eight against fourteen), voted for the second alternative. So there was nothing now to prevent the passing of the decree on preaching in the next Session.

Nor was there any reason to fear that similar complications would arise in connection with the decree on original sin; but for that very reason much more work had to be done in order to assure precision. The twenty-nine theologians who gave their opinion on the draft¹ in the afternoon of 10 June, and in the morning of the following day, in presence

¹ There is no protocol of the congregations of theologians of 10 and 11 June; all we have is a compilation of various opinions without mention of their authors, *C.T.*, VOL. V, pp. 217 f. Massarelli observes that the same theologians were called in as on 24 May. In addition to the enlargements mentioned in the text an anathema against those who opposed the baptism of infants had also been proposed. The basis of the debate was of course Form I of the decree.

of the whole Council, recommended not only a more precise theological formulation of several passages, but also suggested the inclusion of a number of additional details which had run the risk, from the beginning, of being overlooked, such as the formal condemnation of Erasmus, or the addition that unbaptised children would only be deprived of the vision of God but would suffer no other penalty. As for the main subject of controversy, St Augustine's teaching on concupiscence, all those who spoke on the first day did so without exception against Seripando's view. On the second day some of his brethren in the Order gave him their support, in the sense that they demanded the removal or the expressions *totum tollitur*, and *nihil odit Deus*. Note was taken on the kinship of the formula *per fidem et baptismi sacramentum* with article 2 of the *Confessio Augustana* and a recommendation made that it should be rendered unequivocally Catholic by the addition of the epithet *vivam* to *fidem* (by a lively faith).

In the decree thus reformed (Form II), which came up for a second reading in the general congregation of 14 June notice had been taken of the many alterations suggested by both groups, namely by the Fathers of the Council and by the theologians.¹ Nothing was said about the remission of original sin by faith joined to the sacrament of baptism. Dropped also was the conception of concupiscence defended by Seripando and the Augustinian theologians, namely the expressions *infirmetas ac morbus, reliquiae peccati* and the quotation from St Augustine in the conclusion of canon 4. A newly added canon 5 condemned, with a threat of anathema, the doctrine that in baptism the guilt of original sin and whatever is sin in the true and proper sense of the word, was not taken away but was merely covered up (*radi*), or not imputed. The additional clause on the Immaculate Conception ran as follows: "The Sacred Synod declares that it is not its intention in the passage treating of original sin, to include the Blessed and Immaculate Virgin Mary, the Mother of Jesus Christ, nor does it intend at present to go in any way beyond the decree of Sixtus IV of happy memory."

¹ General congregation of 14 June: On the basis of the discussion, Form II of the decree on original sin, *see above*, p. 150, *n.* 1. Severoli gets hold of what was essential when he says: "De eo solo verba facta fuerunt, quod R.mus card. Polus et deinde Giennensis admonuerat"; the protocol, *C.T.*, vol. v, pp. 219-23 passes over the discussion between Cervini and Pacheco after the first counting of the votes by mentioning a *dissensio*—yet this exchange was decisive for the meaning of the clause concerning the Blessed Virgin Mary. The legates' report, vol. x, p. 527, accurately states the final result. As for the duration of the congregation (till 17 h.) I follow Severoli, not Massarelli (till 15 h.). Seripando's tract, which links up with Pole's discourse, *Pro dictis a Polo*, in *C.T.*, vol. xii, pp. 549-53.

In the course of the debate only two passages of the decree came in for serious criticism. Pole—otherwise the embodiment of reserve—made a final attempt to save Seripando's defeated view. In a lengthy speech, in which he stressed once more the significance of the decree that lay before the assembly, he criticised the doctrine embodied in canon 5, namely that God found nothing worthy of hatred in those regenerated in baptism. He objected to the formula on the ground that there might be those who would draw the conclusion that the baptised could no longer fall into sin. It was not difficult for the Bishop of Fano to show how forced was such an interpretation. Seripando himself did not defend it. De' Nobili and the Bishop of Bertinoro alone supported Pole while the Bishops of Fano, Lanciano, Bitonto and Belcastro defended the expression in the decree to which exception had been taken. It was a gesture of deference to Pole and Seripando rather than a serious promise when Del Monte spoke of taking their observations into account. In view of the decision of the majority any alteration was out of the question, as was the formulation which Seripando proposed in a tractate written immediately after the general congregation for the purpose of defending Pole's proposal. It was to the effect that "no malice (x *iniquitas*) remains in those regenerated in baptism, but only a great weakness (*infirmetas*), with which, because it is displeasing to God, we have to contend all through life until God himself heals all our infirmities and delivers us from corruption (*corruptio*)."

Much more violent was the criticism of the additional clause concerning the exceptional position of the Blessed Virgin Mary. Pacheco strove with might and main to strip the formula of its non-committal character and to give it a turn favouring the doctrine of the Immaculate Conception—a doctrine which, in point of fact, commanded the adherence of the majority of the Council. The text put before them, he urged, was not in accordance with the true feeling of the Council and should accordingly be altered. He proposed that the doctrine of the Immaculate Conception should at least be described as an object of pious belief (*ut pie creditur*). The best thing would be for the Council to discuss and decide the whole question. In this way the entire controversy would be got out of the way once for all. There could be no doubt about the decision that would be arrived at.

At first it looked as if Pacheco's view would prevail. All the Archbishops, with the exception of Corfu, sided with him. It was only after the Bishop of Feltre had urged that the whole of the addition about the Immaculate Conception should be dropped and the original

formulation taken up once more (namely that in virtue of a general law original sin is transmitted to all the children of Adam) that those who were neutral as well as the decided opponents (the Bishops of Motula, Fano, Bertinoro) took courage to come out into the open. They either approved the text submitted to them or asked for a declaration that would impose silence on the contending parties. The Bishop of Bertinoro handed to Massarelli an impressive list of authorities unfavourable to the Immaculate Conception which included three canonised Franciscans, namely, St Antony of Padua, St Bonaventure and St Bernardine of Siena. When the votes were counted it was seen that twenty-four (nearly one half) agreed with Pacheco in rejecting the formula submitted to them but that the majority, which included a number of adherents to the doctrine, did not wish the Council to decide the controversy. In spite of this set-back Pacheco refused to acknowledge defeat. He argued that by the establishment of the feast of the Immaculate Conception on 8 December the Roman Church had pronounced in favour of the doctrine and that the whole Church with the sole exception of the Dominicans, had followed her example. The Council must accordingly choose a formula which did not remain neutral but which, on the contrary, favoured this doctrine. On his part Cervini, who personally opposed the doctrine, insisted on a formula which would not conflict too sharply with either opinion while it maintained the situation created by the Constitutions of Sixtus IV: "I shall not suffer the Council to have wrung from it (*extorqueatur*) a decision which it is incapable of issuing at this time", he declared.

The discussion, which had been getting sharper as time went on, was terminated when the Bishop of Astorga to some extent met the views of his fellow-countryman by suggesting that the words *nihil ad praesens declarare intendit* should be cancelled, a motion for which he secured the approval of the majority, the Dominicans included. In reality the new formula, thus foreshortened, did not depart from the line of the previous one. The Council declared that it did not include the Mother of God in its decree on original sin. For the rest the Constitutions of Sixtus IV, which had been read to the assembly, were to remain in force and the penalties for mutual accusations of heresy were renewed. The new formula—the one embodied in the decree—was also rejected by Pacheco and nine other prelates. Pacheco came away from the meeting which had lasted six hours, a depressed and disappointed man, but even now he refused to admit final defeat.

When on the eve of the Session the decree on original sin was read once more and voted upon,¹ it was seen that the number of Pacheco's adherents had been slightly increased; the addition to the concluding formula urged by him, *prout magis pie a majori parte Ecclesiae creditur*, secured seventeen votes. However, the majority stuck to the formula so painfully elaborated on 14 June, and this all the more tenaciously as Cervini repeated the declaration made by him on that occasion with no less pungency. In vain Del Monte strove to persuade the Spanish cardinal to give way and to restore a unity so greatly to be desired in this sphere. He himself, he pleaded, though an adherent of the doctrine of the Immaculate Conception, approved the formula submitted to them because materially it did not prejudice anything while every additional word would require a regular debate for which there was no time at this juncture. "Even if the Emperor were to order it", Pacheco replied, "I would not go back on my decision; I shall only do so when I am confronted with a conciliar decision!"

When Pacheco spoke thus did he merely mean to say that in the sphere of Catholic teaching even a command of the Emperor would not be able to influence his decision? Or was it a hint that the Emperor had spoken and actually meddled with this dogmatic question? What is certain is that on the same day a courier from the imperial court, then residing at Ratisbon, arrived at Trent, though the hour of his arrival is unknown. He was the bearer not only of a message from the Emperor warning the Council against a definition of the Immaculate Conception, but likewise of instructions for the ambassadors which jeopardised, at the last moment, the Session convoked for the next day.² The ambas-

¹ For the general congregation of 16 June, see above CH. III, p. 121, n. 1. In view of the importance of the matter the protocol, *C.T.*, VOL. V, p. 236, gives exact numbers for the voting on the decree on original sin: for Pacheco's proposal 17; *simpliciter*, that is, for the proposed formula 34, 8 *cum modificationibus*, that is, with some alterations, but not in Pacheco's sense; 2 *remiserunt legatis*, hence were to be counted as affirmative votes; 2 *cum Polo*, that is, they were for Pole's proposal and were to be regarded as abstentions on the question of the Immaculate Conception. Cervini's repeated declaration against a decision of the question of the Immaculate Conception is only in Severoli, *C.T.*, VOL. I, p. 80, l. 27. The two other themes of the general congregation, viz. the date of the next Session and the declaration of contumacy will be treated further on in connection with the Session.

² An extract of the Emperor's instructions for the conciliar ambassadors is given by Druffel, *Monumenta Tridentina*, pp. 558 f.; the complete text is in *C.T.*, VOL. XI, pp. 56 f.; Nuncio Verallo's report to the legates dated 13 June, VOL. X, p. 525; the contemporary report to Farnese in *N.B.I.*, VOL. IX, p. 76. The legates' report of 16 June, *C.T.*, VOL. X, p. 527. Whether the Emperor's concern on account of a suspension or a translation of the Council was assuaged by the report of the Roman ambassador Juan de Vega of 5 June, VOL. XI, pp. 53 f., is uncertain. If it was entrusted to a courier it could easily have arrived at Ratisbon by 12 June.

sadors were informed that the Emperor did not think such a definition was advisable because it would give rise to dispute and was calculated to diminish the authority of the Council. This warning was in direct opposition to the keenness with which Pacheco pressed for a definition of the Immaculate Conception. We may suspect, though it cannot be proved, that when the cardinal uttered the above-quoted words in the congregation, he was already acquainted with the contents of the Emperor's letter. On the other hand, there is nothing to show that the Emperor's warning influenced opinion in the Council in any way.

Of the utmost consequence for the Council was the Emperor's formal charge to his envoys to endeavour to bring about a cessation, for the time being, of the publication of dogmatic decrees and to urge the assembly to get on with the reform of the Church, "so as to shut the mouth of the Protestants" (*por atapar la boca a los Protestantes*). For such a commission Toledo had been waiting for weeks, all in vain. No sooner was it in his hands than he hastened to the legates—alone, for Mendoza had had to take to his bed—to demand the postponement of the Session. A month earlier such a commission from the Emperor in the hands of the conciliar envoy might possibly have stopped the debate on original sin. If Pacheco had taken it up with his characteristic energy he would have been followed not only by the bishops of the imperial territories but by many others, and the legates' plan would have encountered grievous difficulties. Now it was too late.

At the time of Toledo's visit the legates had not yet taken cognisance of a letter addressed to them by Nuncio Verallo, dated 13 June. In this communication the nuncio informed them of what was afoot. What the Emperor wanted was a postponement of the article on original sin because he was afraid that a conciliar decision on a controversial point of such importance might interfere with the negotiations for an alliance with certain Protestant princes who were not members of the League of Schmalkalden, namely Duke Maurice of Saxony and Margrave Albrecht of Brandenburg-Kulmbach; but above all by such a decision the Emperor's description of the forthcoming campaign, namely that it was not a war of religion but the chastisement of rebellious subjects, would be stripped of all credibility. At a later date, when military victory had been achieved, this dogmatic section of the conciliar programme could be disposed of without risk of any dangerous consequences.

Though they were as yet unacquainted with the contents of the letter and its arguments, it was impossible for the legates to listen to Toledo's suggestion. The decree on original sin was the fruit of

considerable exertion on their part. They could not countermand or postpone the Session for a period of ten to fifteen days as Toledo proposed without putting both the Council's authority and their own in jeopardy. The envoy himself realised this, but he was plagued by a fear of another kind, namely the possibility that, faced by the alternative of crossing the plans of the Emperor—an Emperor who was the Pope's ally—or of losing face before the whole world, the legates might fall back on the idea of suspending the Council, or of transferring it to some other locality, on the plea that they wished to await the issue of the campaign.

The Emperor had reckoned with such a possibility. In no circumstance, he let the legates know, must they have recourse to either of these expedients which, as he was well aware, accorded only too well with the secret wishes both of the legates and the Pope.

At this juncture the Emperor's and his envoy's anxieties were without foundation. The legates were not prepared for decisions of such far-reaching consequences. They declined politely but firmly to put off the session. Toledo shrugged his shoulders and took his departure. He probably saw that in existing circumstances they could scarcely act otherwise. The favourable opportunity for an effective intervention of the Emperor had been irrevocably missed. The refusal to which the envoy had to resign himself was at any rate better than the dreaded suspension, not to speak of a translation, and it did not prevent him from assisting in his official capacity at the Session of the following day.

This Session, the fifth, was celebrated on Thursday, 17 June 1546, with the liturgical ritual which was by now firmly established.¹ Since the

¹ The protocol of *Sessio V*, of 17 June 1546, *C.T.*, vol. v, pp. 238-56, comprises as usual a list of the prelates in attendance and the text of the sermon of Marcus Laureus. The conciliar secretary, Severoli (whose name the envious Massarelli passes over in silence), acting on this occasion as notary jointly with Claudius della Casa, the second notary, registered the votes. At the conclusion the votes were read out once more and recognised as accurate. Severoli's statement, *C.T.*, vol. i, p. 81, l. 7, to the effect that some fourteen or fifteen prelates voted in favour of Pacheco's proposal, is an exaggeration even if he counted all the qualified votes, those that went further than Pacheco's demand, as for instance the vote of the Bishop of Clermont, and even those which, on the contrary, insisted on an even stricter neutrality, as did the Bishops of Cagliari and Castellamare. The account of the Session in the State Archives of Mantua, no. 3356, gives such accurate details of the votes that it must be based on information supplied by one who was there. More colourful than the legates' report, *C.T.*, vol. x, pp. 529 f., is that of Saraceni, *ibid.*, p. 527, who vents his indignation against the wickedness of the Bishop of Sinigaglia, though he frankly admits that it was necessary to raise the episcopal dignity which had been so long depressed. Mignanelli's satisfaction, *ibid.*, p. 529, that at last something had been achieved by the Council, is mingled with fear lest before long there should be another delay in the work of the assembly. In Rome the decrees of this Session (unlike those of the previous ones) met with universal approval, *ibid.*, p. 544, l. 9, with the exception of the Dominicans,

last Session attendance at the Council had undergone a slight increase. In addition to four cardinals—Madruzzo was still absent—nine archbishops, forty-nine bishops, two abbots and three generals of Orders assisted at the Session. Of the twelve Spanish and the three Flemish prelates whose arrival had been recently announced, only one had actually arrived, namely, Bishop Robert of Cambrai, a member of the powerful house of Croy, who had reached Trent on 8 June. The celebrant of the Mass of the Holy Ghost was Alessandro Piccolomini, a kinsman of the two Popes to whom his diocese, Pienza, owed its name. In a sermon more remarkable for ingenuity than depth of thought, the Dominican Marcus Laureus expatiated on the theme of the Church as a part of God's three-storeyed cosmos, a paradise of the virtues and the gifts of the Holy Ghost. Even as the just of the Old Law triumphed over their adversaries, so does the Church overcome her enemies in this present apocalyptic period of tribulation in which, after being driven from Asia and Africa, she finds herself "confined in a small corner of Europe" and even there is still threatened by rebels. The sermon concluded with a fivefold appeal to the members of the Council. "Gird yourselves", the preacher pleaded, "for the fulfilment of your duties as shepherds, by personal reform, by healing the inner infirmities of the Church, by bringing back those who have strayed from the fold." The day was within the octave of Pentecost, so Laureus ended his discourse by invoking the Holy Spirit upon the work of the Council in the words of the Sequence of the Mass of Whitsunday.

When the vote on the decree on original sin came to be taken only two supporters of the rejected doctrine on concupiscence, the Bishops of La Cava and Pesaro, had the courage to express a divergent opinion:

ibid., p. 900, l. 2.—List of those present: the number of archbishops (9) and bishops (49) is confirmed by the protocol and by Severoli—a circumstance explained by the joint counting of the votes. The full number of those entitled to a vote was 66 (thus also *C.T.*, VOL. V, p. 261); the number given by Saraceni, 70, is therefore somewhat exaggerated, VOL. X, p. 528, l. 3. Premature announcement of the arrival of 12 Spanish prelates and of 3 from the Low Countries in VOL. X, p. 510, l. 10. The difference of opinion on the question of the Immaculate Conception makes itself felt in the transmission of the text of the decrees. Ehses, *C.T.*, VOL. V, p. 240, n. 4, has already drawn attention to the fact that the Paris printing of the decrees of 1546, apparently under the influence of the Sorbonne, suppresses in the decree on original sin the clause which deals with the Blessed Virgin Mary. S. Kuttner, *Decreta septem priorum sessionum concilii Tridentini sub Paulo III Pont. Max.* (Washington 1945), p. xxiv, justly observes that the omission is not one of the many inaccuracies of this edition but is due to a doctrinal opinion. A century later the Sorbonnist Pirot, in his tract "De l'autorité du Concile de Trente", *Revue d'Hist. de l'Eglise de France*, III (1912), pp. 84 f., destined for Leibniz, describes the whole passage as a later addition.

Seripando himself gave his *placet*. The additional clause on the Immaculate Conception was rejected as unsatisfactory by Pacheco and a dozen of his adherents, some of whom felt that far from calming the theological dispute, it would on the contrary cause it to flare up anew. But the core of the decree, that is, the five canons on the fact of original sin, its effects and its remission, received almost unanimous approval.

For an understanding of the decree it is important to realise that "its aim is not to decide between theological opinions, but to defend truth against error" (Gaudel). It dispenses completely with the use of scholastic terminology. Canons 1-3 are substantially an opportune renewal of the condemnation of Pelagianism. Neither the list of errors drawn up on 9 June, nor the discussion furnishes any clue as to whether the Council had in mind and meant to attack Zwingli's opinion which whittles down original sin to a mere hereditary disease. Pighius's view, that original sin is numerically one (but not that of Ambrosius Catharinus which resembles it) is clearly condemned in canon 3. The doctrine contained in canon 4, of the necessity of infant baptism, excluded the teaching of the Anabaptists, the basis of which had already in fact been removed by canon 3 (when it speaks of the application of the merits of Christ to children as well as to adults through the sacrament of baptism, not "through faith and baptism"). Only in canon 5, and linking up with the Bull *Exsurge Domine*, does the Council pronounce on Luther's teaching of the sinfulness of concupiscence after baptism. Based on Rom. VIII, 1, the canon rejects the opinion that concupiscence in the baptised must be regarded as a sin in the true and proper meaning of the word, and holds that in view of Christ's merits, it is not imputed to them. If in Rom. VII, 14, St Paul designates it by the name of sin, he does so solely because it stems from, and leads to, sin, that is, if we yield to its motions. The teaching of canon 5 on concupiscence laid the foundation of the subsequent decree on justification.

The purpose of the first part of the additional clause about the Blessed Virgin Mary is to prevent an interpretation of the decree on original sin unfavourable to the doctrine of the Immaculate Conception to which the majority of the members of the Council actually subscribed. However, the Council had no intention of issuing a dogmatic decision relating to this controverted question: it was to be left in the state of development which it had reached through the Constitutions of Sixtus IV. The repeated declarations of the papal legate Cervini and the rejection of Pacheco's proposals by a majority of the Council, leave that assembly's opinion in no doubt. This is the only explanation of the

prophecy of the Archbishop of Sassari, who said that the addition "would only breathe new life into ancient tragedies" and would no more restore peace than had the Constitutions of the Franciscan Pope.

The reform decree on the teaching of theology and the organisation of preaching met with stronger opposition on account of its decisions about the preaching faculties of the regulars. Seven prelates, namely the Bishops of Cagliari, Fiesole, Belcastro, Aquino, Belluno, Calahorra and Melos, thought inadequate the last-hour solution, which gave the exempt Orders a free hand in their own churches, inasmuch as it did not unequivocally give to the ordinaries the right to exclude undesirable preachers belonging to religious Orders. In spite of the fact that the decree interfered in more than one place with existing papal rights (the bestowal of reserved prebends on lecturers in theology, the privileges and exemptions of preachers and commissaries for indulgences) the Pope, in a brief dated 7 June 1546, had already expressly declared his agreement with any future decisions of the Council. However, two versions of the brief had been forwarded to the legates; in the one the right to make propositions was allotted to the Council, in the other that office was assigned to the legates. If they made use of the first version, they ran the risk of a conflict with the "episcopalists"; so they used the second and had it read out by Massarelli at the same time as the decree. The Bishop of Fiesole's view was that this version also restricted the authority of the Council. He accordingly lodged a protest against it just as he had previously protested against the omission of the formula *universalem ecclesiam repraesentans* in the decree on original sin.

For the date of the next Session Farnese had suggested 25 July, the feast of Saint James, the patron Saint of Spain.¹ The Council agreed to the date on 16 July, although some of the prelates (the Bishops of Siena, Capaccio, Castellamare) regarded the time-limit as too short in view of the heavy work that would have to be got through before that date and would have preferred mid-August; others (the Bishops of Feltre, San Marco, Fano, Pesaro) would have been better pleased if no fixed time-limit had been laid down. In the end it was agreed that the Session should be held on 29 July, the Thursday following St James's day. The legates had been aware from the first that the time-limit was much too short for the preparation, with all the care they required, of

¹ Farnese's directive for the fixing of a date for the Session, *C.T.*, VOL. x, p. 518, l. 12; the discussion of 16 June, VOL. v, p. 237; the legates' better knowledge of the shortness of the time-limit, VOL. x, p. 530, l. 9. No proof is needed for the fact that the widely held opinion at Ratisbon that the date was too distant, *ibid.*, p. 543, l. 14, rested on complete ignorance of the procedure in use at Trent.

two such basic decrees as those on justification and the obligation of residence. However, they acted in conformity with the directives from Rome which met with the assent of the majority of the members of the Council.

The attempt to take up at this junction the question of a declaration of contumacy against the absentees, which had been postponed in the course of the fourth Session, led to no definite and incontestable result. From the standpoint of Canon Law the bishops, when summoned to the Council, had been called upon to take part in a juridical process from which they could not excuse themselves. If in spite of the convocation they stayed away without an excuse, they could be declared guilty of contumacy (*contumaces*) and mulcted accordingly. A declaration of contumacy against the absentees by the Council would be an assertion of the point of view of Canon Law and might lead to an increase in the still modest number of those actually present at that assembly. However, only a bare third of those present at the general congregation of 16 July had pronounced in favour of such an unqualified declaration; a somewhat larger number (twenty-three in all), led by Pacheco, insisted that the German bishops, then assisting at the Diet of Ratisbon, should be regarded as legitimately excused, hence excepted from such a declaration. Only a few voices, but powerful ones, had spoken against the declaration or advocated its postponement (for instance, the Bishops of Aix, Fano, Pesaro). A false note, which caused dissatisfaction in Rome, had been sounded by the Bishop of Sinigaglia when he formally demanded that cardinals not residing at the Curia should be included in the declaration. However, when during the Session the promotor of the Council, Severoli, moved the declaration of contumacy a legal objection was raised by the Archbishop of Aix, as the representative of the French episcopate, which would be most nearly concerned. He asked the promoter what measures had been taken against the absentees up to this time. If no proceedings had been taken the time-limit prescribed for their appearance, that is, the opening of the Council, must now be deemed to have lapsed and in that case there was no *contumacia* in the legal sense. An exception for the German bishops was advocated by nearly one half of the prelates present. Others (the Bishops of Fano and Verona) wished the declaration to be extended so as to include bishops residing in Rome, while some others desired it to include those who had taken their departure without leave of the Council. Thus was opened a whole series of complicated questions of a legal and political character which it seemed more advisable to evade than to pursue to the point of the

incalculable and uncertain result of a vote. The legates' reports to Rome show that they regarded the declaration as accepted, but they took good care not to follow up the decision with any action, or to take legal proceedings against the absentees. The fact was that attendance at the Council was not only a legal matter, it was also a political one. The interventions by the imperial envoys on 2 May and 16 June had been an unpleasant reminder for the legates that the Council stood in the very centre of European politics. While they were preparing to proceed along the appointed road and to define the dogma of justification, outside the Council hall, in the Empire, a decisive hour had struck: the war against the League of Schmalkalden had begun.

The Opening of the Debate on Justification

LUTHER had cast the problem of justification in a new formula. In his view justification was the result of faith, an experience of which God was the author, a consciousness of the forgiveness of sin by a merciful God, in view of Christ's merits, and without any necessary link with a sacrament. The explanation was new but the problem itself was old, for since the day when St Augustine, in his controversy with the Pelagians, had worked out the gratuitousness of man's salvation, the theme of justification had never ceased to occupy the western theologians. For the early scholastics the justifying element consisted in faith and charity. These concepts were still understood by them in a purely Biblical sense, but gradually, by means of this concept, they developed the notion of the supernatural, while the theologians of the golden age of scholasticism, starting from the teaching of Philip the Chancellor, formulated the concept of grace as a supernatural habit of the soul. St Thomas Aquinas described justifying grace as "something within the soul" (*aliquid in anima*), as a reality which produces a wholly supernatural participation of the divine nature. Of course, there is no question here of a *substantia*, but neither is there question of a mere *potentia*, but of a quality rooted in the very essence of the soul from whence it exercises its influence upon the various faculties. Essentially the infusion of grace excludes sin, as light excludes darkness. Duns Scotus identifies justifying grace with charity so that between them there is no more than a formal difference; consequently grace does not reside in the whole of the spiritual being but in that faculty which Scotus regards as the noblest, the will, in which grace unfolds into supernatural charity. Grace is the antithesis of sin, though this is not due to an intrinsic necessity arising from its nature. It does away with man's liability to punishment, which depends on God's will, hence it does not justify as a physical or ontological quality but on account of God's acceptance (*acceptatio*). God might blot out sin in the soul without the bestowal of grace; hence the grace by which we are justified is made up of two elements, logically distinct the one from the other, namely in the

remission of sin, which consists in the acquittal from the penalty incurred, and in the infusion of grace which manifests itself in the supernatural gift of charity. The doctrine of the gratuitous acceptance of the sinner by God, as further developed by the nominalists, ended by undermining the results achieved by the great scholastics. Scotus and his school had, in addition, further elaborated the significance of faith in the process of justification. The Dominican, Robert Holcot, a nominalist, when treating of the doctrine of justification in the article on faith in his commentary on the *Sentences*, did not do so within the framework of sacramental doctrine. The scholastic theology of grace, many-sided as it was, provided a number of openings for a discussion of Luther's theology of justification.

The theologians of the sixteenth century were not unarmed when they took up the problem Luther had set them, although there were no ready-made answers at their command; above all they were without the guidance of clear directives by the supreme teaching authority in the Church when they sought to bring out the contrast between the Catholic and the Protestant attitude of mind in regard to matters of faith. In the controversy about original sin they had been in a position to appeal to such directives.

In its condemnation of a number of errors concerning Baptism and Confirmation (5-14) the Bull *Exsurge*—the only utterance about Luther, up to this time, by the supreme teaching authority in the Church—still viewed the problem of justification essentially in connection with the sacraments. Good works and free-will were indeed defended (31 f., 35 f.), but the process of justification was not considered, this not least because at the time when the Bull was drawn up the main theological pillars on which the new structure rested were not yet as clearly visible as they became after the appearance of the great Reformation writings of the years 1520-5, such as *The Babylonish Captivity of the Church* and *The Freedom of the Christian Man*, the *Sermon on Good Works* and the *Book of the Servile Will*. The great commentary on the Epistle to the Galatians (1534) had provided a certain synthesis. If Melancthon's interpretation, in his *Loci communes*, of the Lutheran theory of justification had somewhat sharpened the opposition to the Catholic conception by its forensic doctrine of imputation, it was clearly the aim of article 4 of the *Confessio Augustana* to tone it down. The *Apologia*, with a great display of erudition, presented it once more in harsher outlines. Its clearest formulation was due to Luther himself. In the Schmalkaldic Articles, he wrote: "Let heaven and earth crumble

before any concessions in the article on justification by faith alone should be made at the Council."

Time was needed before Catholic controversial theology was in a position to bypass particular propositions and catchwords, so as to penetrate to the very core of the Lutheran doctrine of justification, that is, the new conception of the nature of the process of justification. Among the propositions condemned by the theological Faculty of the Sorbonne on 15 April 1521, there are those that assert the uselessness of good works, the certainty of one's being in a state of grace and that deny free-will, but none on the doctrine of salvation by faith alone (*sola fide*) or on that of imputation (of Christ's justice).¹ It is only in the works of Dietenberger, Fabri and others that the *sola fide* formula moves, for the first time, into the centre of the controversy, while in Eck's *Enchiridion* the article on *Faith and Works* is inserted between the refutation of the principle of "the Bible alone" and the defence of the sacraments. Following the controversy between Erasmus and Luther on the question of free-will, this article also secured a firm position in Catholic polemics. However, all the efforts of controversial theologians did not prevent the catchword of "justification by faith" from making its way throughout Europe during the fifteen-thirties. This explains why Gropper, in his *Enchiridion* (1537) did not have recourse to polemics but expounded a positive, non-scholastic doctrine of justification, one chiefly inspired by St Augustine. Gropper linked up with this doctrine when, in the course of the negotiations for reunion, he drew up jointly with Bucer, the *Book of Ratisbon* in which he answered the questions about the nature of justification, the imputation of Christ's justice, or of an immanent justice, by the formula of a twofold justice—which was a compromise—but which, after a few modifications,

¹ There is as yet no history of the study of the problem of justification between 1520 and 1545. Laemmer, *Die vortridentinisch-katholische Theologie*, pp. 137-99, adduces quotations from Eck, Cochlaeus, John Fisher, Fabri, Dietenberger, Wimpina, Hochstraten and others in confirmation of seventeen theses. For the first years some information is to be found in H. Jedin, *Des Johannes Cochlaeus Streitschrift "De libero arbitrio hominis"*, pp. 17-47; O. Müller, *Die Rechtfertigungslehre nominalistischer Reformationsgegner* (Breslau 1940) for Usingen and Schatzgeyer; for an appreciation see V. Heynck, "Zur Rechtfertigungslehre des Kontroverstheologen K. Schatzgeyer O.F.M.", *Franziskanische Studien*, xxviii (1941), pp. 129-51. Too little notice has been taken of the influence of the religious "colloquies", both of the first, held at Ratisbon in 1541, and above all of that of the second in 1546, on which Trent obtained information through Cochlaeus and others. In particular Trent must have been acquainted with the nine theses of Malvenda (*Disputata Ratisbonae in altero colloquio*, pp. 28 f.; see the literature given below in CH. VI). C. Gutiérrez, "El problema de la justificación en los primeros coloquios alemanos"; *Miscelanea Comillas*, iv (1945), pp. 9-31, is inadequate.

met with Contarini's approval at Ratisbon. It was thought at the time that in the formula "We are justified by a lively faith, that is, faith united to charity", the key to an agreement had been found, but it met with the approval of neither Luther nor Rome (cf. VOL. I, pp. 381 ff.).

With the exception of the far-seeing, clear-thinking Cardinal Cajetan (*De fide et operibus* 1532), and of Contarini and his circle, professional theologians outside Germany had not paid adequate attention to the contest around Luther's teaching on justification. In a small work entitled *De perfecta iustificatione a fide et operibus* written in 1541 and dedicated to Contarini, the Dominican Ambrosius Catharinus drew a distinction between a first justification by faith, that is by gratuitous grace, and a second justification through man's co-operation with grace. Three years later, in his *Trattato della giustificatione*, written in Italian in 1544, he drew up a list of ten Catholic truths concerning justification, in which the principle of causality was applied to justification. However, these works of the pugnacious Dominican were no more a systematic examination of the Lutheran doctrine of justification than was the small book on justification, grace and merit published at Venice in May 1546 by the conciliar theologian Andreas de Vega, for which it may be safely claimed that it lay on the desks of many members of the Council at the time of the opening of the debate on justification. Vega confined himself to the three great questions of faith and justification, the meritoriousness of human acts and the necessity of grace.¹ His work was not an exhaustive and really satisfactory discussion of the problem raised by Luther, in fact no such work was in existence. If the Council was to be in a position to issue an authentic, dogmatic statement of the content of the Catholic faith, and to define the boundaries that separate it from the Lutheran theory of salvation, it was bound to undertake intensive preliminary work in the

¹ For Andreas de Vega's *Opusculum de iustificatione, gratia et meritis* (Venice 1546), cf. J. Sagués, "Un libro pretridentino de Andrés de Vega sobre la justificación", *Estudios eclesiásticos*, xx (1946), pp. 175-209. Further data about the author by V. Heynck, *Franziskanische Studien*, xxxiv (1952), pp. 293-313. For Ambrosius Catharinus's writings on justification cf. J. Schweizer, *Ambrosius Catharinus Politus* (Münster 1910), pp. 96 ff., 135 ff.; Lauchert, *Die ital. Gegner Luthers*, pp. 79 ff., 96. One of the Ratisbon collocutors, J. Hoffmeister, in his *Loci communes* (1547, cf. N. Paulus, *J. Hoffmeister* (Freiburg 1891), p. 388), the preface of which is dated 26 July 1546, and is therefore contemporary with the Tridentine discussions of justification, has a comprehensive list (in art. 5) of texts from the Fathers, especially St Augustine, against the *sola fide* doctrine and in support of the gratuitousness of justification and the necessity of good works, while the certitude of grace and the freedom of the will are separately treated. For Cajetan's *Opusculum de fide et operibus* see Lauchert, pp. 169 ff.

theological sphere. In order to define the task to some extent, we distinguish seven groups of questions, though we are fully aware that such a deployment of the one problem exposes us to the risk of being accused of superficiality and over-simplification.

(1) The absolute gratuitousness of justification was and always remained the basic concern of Luther's religion as it had been the content of his decisive religious experience. To this end he fought scholastic theology, which he accused of having become tainted with Pelagianism. In order to counter this notion, Catholic theologians were bound to own that, according to their teaching, the sinner is incapable of crossing, by his own strength, the chasm created by sin between himself and God. If that is so, is there a possibility of his disposing himself for justification? Is it possible for the sinner, by co-operating with the initial help of divine grace, to draw nigh to salvation and perhaps, though not in the proper sense of the word, to merit his justification (*meritum de congruo*)?

(2) Does justification consist essentially and exclusively in the remission of sin, or does it include man's intrinsic sanctification by a created grace granted to him, whether we call it *gratia gratum faciens*, *gratia inhaerens* or *charitas*? If the answer is in the affirmative, what is the relation between the remission of sin and sanctification? What is the relation of Christ's justice, which effects the remission of sin, to the personal justice of him who is restored to grace? This last problem, which had already been broached at Ratisbon, only moved into the foreground in the second phase of the debate on justification.

(3) Can the sinner participate in Christ's merits by faith alone, or are good works likewise required? We have seen already that the slogan "justification by faith alone" had gradually come to occupy a central position in Catholic polemics. It was a comparatively easy task to adduce texts from Scripture to prove the necessity of good works; but the question was whether these works were no more than tokens, as Luther maintained, of justification already granted, or conditions for its reception. The concept of faith was itself a further problem: did it consist in accepting as true the dogmas of the faith, or was it a trustful surrender to God justifying man in Christ?

(4) Is the human will passive in the process of justification, or does it, on the contrary, actively concur with grace? If so, when? that is, at which stages of the process of justification? In Luther's view the will is enslaved by sin and incapable of any kind of active co-operation. On the answer to this question depends the answer to the next.

(5) In what sense can the good works of the justified be described as "merit"? Merit presupposes man's co-operation. But are not eternal life and everlasting glory free gifts of God? In spite of his good works, does not the just man remain a useless servant? Or is eternal life at one and the same time both merit and grace?

(6) What is the connection between justification and the sacraments of Baptism and Penance? Since infant Baptism is not in question, the conversion of an adult to the faith and the return of a believing and baptised sinner to a state of justice must be accounted for by the sacrament of Penance. The attempt to connect the doctrine of justification with the above-mentioned sacraments led to the development of the Council's teaching on the *status iustificationis*.

(7) How does justification, as an experience, start and progress? Luther had started from penance; a man is saved from despair called forth in him by the law of God which he is unable to fulfil, by the gratuitous gift of trusting faith (*fides fiducialis*), which is faith in his own personal justification. Is this the only and necessary process of the mind for the attainment of justification, or is it merely one of a type? Can it be maintained from the standpoint of Catholic dogma? At what point in the sequence of acts does faith come into this theory? Is it possible for the justified to obtain an assured certainty that he enjoys God's grace? Is it at least possible—and without a special revelation—to obtain certainty on this point by reason of the efficacy of the sacraments? This last question, which was a subject of discussion among Catholic theologians also, as well as the one referred to in the second point, was to form the subject of a special discussion in the course of the debate on justification.

The leaders of the Council were fully conscious of the magnitude of the task which we have here briefly outlined. In their report to Rome on 21 June, they wrote: "The significance of this Council in the theological sphere lies chiefly in the article on justification, in fact this is the most important item the Council has to deal with." They also requested that the opinion of Roman specialists should be sought on the schema of questions they themselves had submitted to the conciliar theologians, and which they also forwarded to Rome. Their request was complied with. Four weeks later, on 17 July, the Camerlengo, Cardinal Santa Fiora, despatched five memorials to Trent, three of them drawn up by Dominicans, one of whom was the Master of the Sacred Palace, the fourth by the Apostolic Sacristan, the Augustinian Barba, and the fifth by the Prior of San Marcello, a Servite. If these

documents had been preserved we would be in a position to picture to ourselves the state of opinion in Rome. However, they are lost and we are unable to ascertain whether or not they affected the course of the negotiations and the decree, the first draft of which was practically completed at the time of their reception at Trent (22 July).

In the general congregation of 21 June,¹ Cervini, on whose shoulders the full weight of the labour and responsibility now rested more than ever, stressed the far greater difficulty of the problem of justification now confronting them than even that of the article on original sin. This was due to the fact that in the past only a very small number of theologians had treated of this matter, and then only in passing (*pauci admodum et paucissima*); hence the Council had to lean chiefly on the theologians of the previous twenty years, that is, the controversial theologians. It almost looks as if Pole, then about to leave the Council, was anxious to correct this opinion of his colleagues when he besought the Fathers wholly in the spirit, and almost in the words, of the theologian Johann Gropper of Cologne in the preface to his *Enchiridion*, that on the question of justification "on which our salvation wholly depends", they

¹ General congregation of 21 June 1546: the legates' report, *C.T.*, VOL. X, pp. 531 ff., supplements both Severoli, VOL. I, pp. 82 ff. and the protocol, VOL. V, pp. 257-60, inasmuch as the objections of three or four prelates to the opening of the debate on justification are there put beyond question, whereas both in Severoli's account and in the protocol they are passed over in silence. What was new was the proposal of the Bishop of Vaison who suggested that the conciliar theologians should hold their meetings under the presidency of the generals of Orders, VOL. V, p. 259, l. 4. The suggestion was not acted upon, for in this way the opposition between the theological schools would have been still further accentuated. It is not quite clear what the Bishop of Sassari meant by a decree *per quaestiones separatas*, *ibid.*, p. 258, l. 5, or the Bishops of Alba and Lanciano by a procedure *per conclusiones*, *ibid.*, p. 258, l. 52, and p. 259, l. 33. The Bishop of Feltre's proposal to base the debate on a draft of a decree, *ibid.*, p. 258, l. 26, was very properly rejected by the Bishops of Motula and Bitonto, *ibid.*, p. 259, ll. 10 and 46.—The names of the prelates who had left, *C.T.*, VOL. I, p. 555, l. 31. The Bishop of Torcelli, who had left on 18 June, without the legates' permission, subsequently obtained it from Farnese, VOL. X, p. 531, n. 2.—We are very inadequately informed about the consultation of Roman theologians so long prayed for by the legates, *C.T.*, VOL. X, pp. 536, l. 22; 542, l. 23; 546, l. 19; 551, l. 17; 564, l. 23. On 30 June, Farnese assures them that their questions have been submitted to these divines, *ibid.*, p. 544, l. 21. On 14 July, Ardinghello already speaks of a complete "ritratto", *ibid.*, p. 560. The consultation was in writing. After the memorials had been submitted to the deputation of cardinals, five of them were despatched to Trent, where they were received on 22 July, *ibid.*, p. 566. No trace has been found of them up to the present. Since Santa Fiora mentions some other memorials besides these five there is good reason to connect the tract of the procurator-general of the Hermits of St Augustine, Christopher of Padua, VOL. XII, pp. 603-9, with the Roman consultation, likewise the very interesting tract by J. W. Calderinus, the Prior of Sta Maria in Via, *ibid.*, pp. 643-6; such a connection is not even excluded for the anonymous tract, *ibid.*, pp. 610-12, although in addition to the question of 22 June it already takes note of the proposal of the 30th on the various *status*.

should also read with an unbiased mind the books of the Lutherans and refrain from taking up an attitude which amounted to saying: "Luther has said it, hence it is false". Some truth is often contained in error, in fact its success is precisely due to the amount of truth that lies hid within it. On the other hand, in their eagerness to refute their opponents in every respect, Catholics had at times overshot the mark, as may be learnt from the case of Pighius in the debate on original sin described above. The words were an unmistakable warning against an unqualified reliance on controversial theology.

Pacheco viewed the new theme from the angle of procedure. In the course of the debate on original sin he had urged the confirmation, without debate, of the earlier conciliar decisions. This time he was in favour of entrusting the study of the problem of justification, together with the preparatory work on the decree, to a mixed committee of Fathers of the Council well versed in theology, and other scholars, the result of whose labours would then be submitted to the plenary assembly. He undoubtedly thought that by this means the Council would be taking a more active part in the drafting of the decree than had been the case before the last Session. "We need not only the presence of the members of the Council," he added significantly, "we want even more their co-operation. What justification is there for the conduct of those members who have withdrawn from the Council and who only came back in time for the Session, as if by giving their *placet* to a finished decree they could satisfy the dictates of their conscience? A firm rule must be laid down that a fortnight's leave of absence may be granted by the legates, but any extension of that time-limit requires the consent of the Council."

This criticism was aimed at the legates. The truth was that since the last Session five prelates had departed from Trent, namely the Bishop of Torcelli, the coadjutor of Verona, the Bishops of Melos, Piacenza and San Marco—all of them without leave, though the first two had acted with the knowledge of the legates. The latter had no difficulty in justifying themselves, though for the future they proposed the confirmation of the commission which had been set up on 13 January for a period of four months. Its duty would be to study the letters in which absentee bishops excused themselves and to report on the requests for leave of absence from those who were actually at the Council. The Council agreed to the proposal, but the commission, which consisted of the Bishops of Aix, Feltre and Astorga, were unable to exercise an effective control of personnel as was to be made clear

within the space of a few weeks. The suggested mode of procedure was approved without any notable opposition. By now it was evident that a definition by the Council of the Catholic doctrine of justification, in the absence of the Protestants, ran counter to the express will of the Emperor. It was likewise natural that there should be serious misgivings about allowing a Council as yet relatively weak and one-sided in its composition, to take a decision fraught with most weighty consequences. Such misgivings must have become vocal though there is no trace of them in the protocol; only the Bishop of Fano and the general of the Augustinians spoke in support of the two legates' warning (Del Monte was absent through illness) about the Council's grave responsibility in the forthcoming debate.

This undoubted success Cervini owed to his unswerving adherence to the principle of the parallel discussion of dogma and reform. As a second topic of the conciliar programme, besides the doctrine of justification, he had proposed the bishops' obligation of residence. However, contrary to Pacheco's hopes, it was not to be discussed by a second commission, simultaneously with the dogma. For the time being it was to be discussed only in writing: the bishops were requested to hand in to the legates lists of the "impediments to residence". In this way the latter hoped to escape the suspicion that they sought to delay this central item of the reform on the one hand, and on the other, to gather material which would give the Curia a chance both before and during the forthcoming debate on residence, to meet the bishops' wishes by means of appropriate directives to the central authorities and thereby convince them of the Pope's intentions with regard to a reform. "We are certain", Cervini explained, "that as a result of our representations the Pope will remove all impediments to residence that have their origin in the Roman Curia."

This undoubtedly over-confident language did not fail to impress even the Spaniards. The Bishop of Castellamare thanked the legates in due form for this promise, for the fulfilment of which—in view of so many disappointments—the legates themselves trembled in their inmost hearts. In the hope of promoting the reform in Rome their report held out an alluring prospect before the authorities. It was to the effect that if good decisions were promptly taken in this respect in Rome, so that the two great decrees on justification and on the duty of residence could be completed in the forthcoming July Session, the Council might be considered as practically terminated. The remaining tasks would resemble only little rivulets springing from these two

sources. The prospect was tempting indeed, but it was no more than a mirage.

The manner in which the debate on justification was to run its course had not yet been decided, for the Council was still without an order of procedure, were it only one based on custom. Pacheco's proposal to entrust the discussion of the problem of justification and the preparation of the decree to a commission met with the approval of no more than a dozen prelates—the majority were unwilling to dispense with the congregations of theologians. Opinions were even more divided on the question, at what stage of the debate a draft of a decree should be submitted and how it should be framed? From all this Cervini drew the obvious conclusion first to make arrangements for the congregations of theologians and after that to let the plenary assembly decide the future course of action. So the theologians were to be heard once more; as a matter of fact, on that very day, and for the purpose of orientation, the legates laid before them six questions connected with the complex problems we have sketched in the above paragraphs¹:

¹ Congregations of theologians of 22-28 June 1546: as late as 23 June the legates hoped that four congregations of theologians would suffice, *C.T.*, VOL. X, p. 536, l. 21. By the 26th, twenty-five divines had spoken but a third of the total number had not as yet done so, *ibid.*, p. 540, l. 15. Their final verdict, *ibid.*, p. 546; Grechetto's *ibid.*, p. 539. Massarelli's miserly protocols, VOL. V, pp. 262-79, provide only inadequate information about the six congregations of theologians (there was none on the 24th, it being the feast of Corpus Christi). It is evident that the secretary was unable to keep pace with these subtle disquisitions, especially when they were read from manuscript, as in the case of Diruta, VOL. V, p. 262, l. 19; Sarra, *ibid.*, p. 264, l. 1; Silvester of Cremona, *ibid.*, p. 275, l. 8, and Visdomini, *ibid.*, p. 278, l. 16, hence he confines himself to meaningless generalities ("ut alii catholice et eleganter"). All the more welcome, therefore, are the *Summarium* of Marcus Laureus based on his own personal notes, *C.T.*, VOL. V, pp. 279 ff., and the stock of original votes, small though it is. To those of Salmeron and Antonio de Pinarolo (the latter differs considerably from the protocol) which have been published by Ehses, must be added those of the Carmelite Vincent de Leone and the Franciscan Richard of Le Mans, J. Olazáran, "Nuevo voto tridentino del Carmelita V. de Leone", *Revista Española de Teología*, II (1942), pp. 649-80; *id.*, "Un voto desconocido del teólogo tridentino Ricardo Cenomano" *Estudios eclesidásticos*, XVI (1942), pp. 453-71. For Cod. 614 of the Archives of the Gregorian University from which these votes—and others to be mentioned later—have been taken, see J. Lennerz, "Voten auf dem Trienter Konzil über die Rechtfertigung", *Gregorianum*, XV (1934), pp. 577-88.—No order is apparent in the series of thirty-four theologians who spoke, but from a letter of Salmeron to St Ignatius, dated 10 July (*M.H.S.J.*, *Epp. Salmeronis*, VOL. I, p. 26) we learn that by Cervini's special request one of the Jesuits spoke at the beginning of the congregation and the other at the end. On 14 July there was a supplementary congregation of theologians (Massarelli calls it *congregatio volentibus interesse*) in order to enable the Dominican Bartolomeo de Miranda, who had returned from a general chapter in Rome, and the papal theologian Ambrosius Catharinus, to state their opinions, *C.T.*, VOL. V, p. 336; VOL. I, pp. 89, 560. We do not know why the Capuchin general had not spoken previous to this occasion, cf. VOL. X,

(1) What is meant by justification both as regards the name and the thing? (2) What are the causes of justification? What is God's part in the process and what man's? (3) How are we to understand the assertion that man is saved by faith? (4) Do works play a role in the process of justification—both before and after—and in what way? What is the role of the sacraments in that process? (5) Let them describe the process of justification—what precedes, accompanies and follows it. (6) By what proofs from Scripture, the Fathers, the Councils and the apostolic traditions is the Catholic doctrine supported?

It is obvious that by the formulation of these questions a part of the discussion was already anticipated. All the more regrettable is it that we are once more left completely in the dark about their origin. The Universities of Cologne, Louvain and Paris, as well as most of the controversial theologians had extracted isolated propositions from the writings of the Protestants and had condemned and refuted them. The Council took another road: it sought to state the problem objectively, as it existed in reality. The venture was a bold one. In six congregations between 22 and 28 June (24 June was the feast of Corpus Christi), thirty-four theologians were heard in no discernible order. Nearly one half of them, namely sixteen, were members of the two Franciscan families. At first the bishops attended in considerable numbers (forty-four in fact, that is, three-quarters of those present at the Council), but after a time the number decreased; at the last congregation there were only twenty-six present. No time-limit had been laid down for the speakers. Each congregation lasted from three to four hours and in that time at least four, but never more than eight, speakers were heard. Now for the first time we have notes taken by Massarelli, but they are so meagre and in part so faulty that they add but little to the information contained in the customary *Summarium*, the compilation of which the conciliar secretary, aware of the fact that he was unequal to the task, left to the Dominican Marcus Laureus who evidently made use of his own personal notes. We accordingly draw once more on the *Summarium* to enable us to form a mental picture of what these theologians held in common and what bound them together, and to sort out certain divergences in their theological views by means of the protocol and the original votes that have been preserved.

p. 559, l. 4.—For the literature, in so far as it concerns the course of the theological congregations, see J. Hefner, *Die Entstehungsgeschichte des Trienter Rechtfertigungsdekretes* (Paderborn 1909), pp. 85 ff. (only for Pinarola); H. Rückert, *Die Rechtfertigungslehre auf dem Tridentinischen Konzil* (Bonn 1925), pp. 100 ff., 134 ff.; H. Jedin, *Seripando*, vol. I, pp. 375 ff. (Eng. edn. pp. 339 ff.).

The definitions of the nature of justification put together by Laureus have this in common that the process is not exhausted by the forgiveness or the non-imputation of sin; on the contrary, it produces something positive in man himself whereby he is made pleasing to God, innocent and holy; is created anew and justified. These two elements of the essence of justification the Thomist Laureus summed up in a single sentence: "Justification", he writes, "is the remission of sin by God through grace."

In their answers to the question about the causes of justification the theologians did not merely take advantage of the possibilities provided by Aristotelian logic to expound the subject-matter (the Franciscan Conventual Antonio de Pinarolo enumerated as many as ten *causae iustificationis*), they had this in common that all of them maintained that in some way man must take a share in the act of justification, that is, in other words, he must co-operate with the grace of God. Only four theologians gave it as their opinion that the relation of the human will to grace was a purely passive one. They were the two Hermits of St Augustine, Gregory of Padua and Aurelius of Rocca Contracta, the Dominican Gregory of Siena and the Servite Lorenzo Mazochi.

The role of faith in the process of justification was diversely defined, in accordance with the schools to which the various divines owed allegiance. The Scotists, headed by Alfonso de Castro, placed the act of faith in the preparatory phase, though even there it occupies a central position, as it does in Salmeron's view, whereas the Thomists regard the infused virtue of faith as an effect of grace. This is the formal teaching of Gregory of Siena. It was generally agreed that faith, defined as an assent to revealed truth, does not justify by itself alone but only does so in association with charity—*fides formata caritate et gratia*—the good works that make a man righteous, and the sacraments of Baptism and Penance. The Friar Minor Richard of Le Mans put the matter in a brief formula: "Faith in the gospel and keeping the commandments."

The differentiation between the first and second justification was a step forward, beyond mere catchwords. In the first justification of the sinner good works are only part of his disposition, they do not form a basis for merit, whereas the good works of the justified increase grace and are meritorious. In addition to the four theologians already mentioned, the Dominican John of Udine, regent of the convent of San Lorenzo at Trent, also advocated the notion of "justification by faith", namely "if we firmly believe that our sins will be forgiven on account of the merits of Christ".

To judge by the minutes, the fifth question, about the successive steps in the process of justification, was only taken up by a very few theologians. They viewed the difference between *gratia movens*—the motion by grace previous to justification—and *gratia gratum faciens*, or *concomitans*, that is, sanctifying grace, from God's point of view, so that they made no contribution to the discussion of the process of justification.

Of the Biblical proofs that had been collected, the *Summarium* quotes only two, Rom. II, 13; Matt. XVI, 24; the most important argument from tradition against the *sola fide* doctrine was the list of questions to the catechumen in the ritual of Baptism.

On 1 July the legates reported that, with three or four exceptions, the speeches of all the theologians had been inspired by a "Catholic" spirit. They had good reason to regard these utterances of the divines as a valuable preparation for the general debate that was about to open. The instinct for things Catholic which was common to all, or to nearly all of them, had found conscious expression without being in any way affected by the speakers' allegiance to the traditional theological schools whose differentiating influence made itself felt.¹ We must take note

¹ For the influence of the schools of theology on the Tridentine doctrine of justification and the dogmatic history of the problem of justification we can only draw attention to the following works: H. Lennerz, "Das Konzil von Trient und theologische Schulmeinungen", *Scholastik*, IV (1929), pp. 38-53; E. Stakemeier, "Die theologischen Schulen auf dem Trienter Konzil während der Rechtfertigungsverhandlungen", *T.Q.*, CXVII (1936), pp. 188-207, 322-50. For the doctrine of justification of early scholasticism, see A. Landgraf, *Dogmengeschichte der Frühscholastik*, VOL. I, PTS i and ii (Ratisbon 1952-3), especially PT i, pp. 202-19 (sanctifying grace), 238-302 (preparation), PT ii, pp. 7-40 (faith and works), 75-110 (merit). For the teaching of Aquinas on justification: R. Schultes, "Circa doctrinam S. Thomae de iustificatione", *Angelicum*, III (1926), pp. 166-75, 345-54; P. de Voogt, "La justification dans le sacrement de la pénitence d'après Thomas d' Aquin", *Ephem. theol. Lovan.*, V (1928), pp. 225 ff.; cf. also VII (1930), pp. 663 ff.; M. Flick, *L'attimo della giustificazione secondo S. Tommaso* (Rome 1947), with copious indication of literature. For the neo-thomistic school immediately before the Council and during its course, see F. Stegmüller, *Francisco de Vitoria y la doctrina de la gracia en la escuela Salmantina* (Barcelona 1934); *id.* "Zur Gnadenlehre des spanischen Konzilstheologen Domíngio Soto", *Das Weltkonzil von Trient*, VOL. I, pp. 169-230; I. Tellechea, "El Articulus de justificatione de fray Bartolome de Carranza, O.P.", *Revista española de Teología*, XV (1955), pp. 563-635. For the Scotist teaching on justification I owe valuable suggestions to J. Auer, *Die Entwicklung der Gnadenlehre in der Hochscholastik*, 2 Vols. (Freiburg 1942-51), especially VOL. II, pp. 49 ff., as well as to the numerous works—to be mentioned later—of the Franciscan Valens Heynck; W. Detloff, *Die Lehre von der Acceptatio divina bei Joh. Duns Scotus mit besonderer Berücksichtigung der Rechtfertigungslehre* (Werl 1954); comparison of the different directions of late scholasticism in P. Vignaux, *Justification et prédestination au XVI^e siècle* (Paris 1934); for the nominalist teaching on justification, which was not represented at the Council, but an understanding of which is indispensable for an appreciation of Luther's position, see G. Feckes, *Die Rechtferti-*

of this influence, at least in so far as it had any bearing on the purpose of the debate, which was the demarcation of the Catholic doctrine of justification from the Lutheran.

The preponderant influence of the Franciscan theologians was due not only to their number but likewise to the subject-matter of the discussion. The Scotist school had more fully elaborated the psychological and ethical aspects of the process of justification—the “disposition” through fear, contrition and faith. The notion of this school that justifying grace was identical with the theological virtue of charity facilitated an understanding of justification as an experience. In other respects also it was easier to arrive at an understanding of the Lutheran doctrine of justification if one started from the Scotist system in which justification meant first of all remission of sin followed by the infusion of grace, without these two acts being of necessity intrinsically connected. In the Scotist view merit did not depend exclusively, or in the first instance, on the intrinsic worth of man’s actions but rather on their acceptance by God. If this implied a certain softening of the concept of merit around which there was so much and such sharp controversy, the theory of acceptance by God at least stressed the gratuitousness of justification. The chief difficulty for this school was precisely how to reconcile this gratuitousness with the possibility of a preparatory disposition.

In this respect the Thomists had a lighter task. In their strictly theocentric system justification meant the sinner’s motion towards God through sanctifying grace, followed logically, not chronologically, by the remission of sin. Just as darkness vanishes before the light, so is the remission of sin effected by the infusion of grace. The gratuitousness of justification was demonstrated with all the clarity that could be wished for, while the psychological aspect of the process was somewhat

gungslehre des Gabriel Biel (Münster 1925); J. M. Dalman, “La Teología de la disposición a la justificación en vispera de la revolución protestante”, *Revista Española de Teología*, VI (1946), pp. 249-75, against the alleged Pelagianism of late scholasticism. However, in this sphere the last word has not yet been spoken. That the relation of sin and the infusion of grace was the subject of lively discussion shortly before the rise of Luther may be gathered from the Leipzig theses of Matthew Henning, c. 1502, cf. O. Clemen, “Eine vorreformatorische Disputation über die justificatio”, *A.R.G.*, XXIII (1926), pp. 294 ff. For the Augustinian school, see the literature for CH. VII below. Attention has very properly been called of late to the significance of the Louvain theologian John Driedo and his writings on the doctrine of grace which appeared in the fifteen-thirties: H. Peeters, *Doctrina J. Driedonis a Turnhout de concordia gratiae et liberi arbitrii* (Malines 1938); T. Dhanis, “L’Antipélagianisme dans le ‘De captivitate et redemptione humani generis’ de Jean Driedo”, *R.H.E.*, LI (1956), pp. 454-70.

summarily disposed of. To the motion caused by God in the sinner there correspond the latter's conversion to God and his aversion from sin; though the possibility of an imperfect preparation is conceded, little is said about the road that leads to justification. The group of five Dominican theologians, though relatively small, was in an unassailable position when it had to defend itself against the accusation of Pelagianism; it found it much more difficult to come to terms with the notion of justification as an experience.

It is evident that preoccupation with the reformers' theory of justification did not obliterate the divergences between the theological schools; only Nominalism (Luther had battled against its theological anthropology) no longer found a defender at Trent. In the other schools "there existed in fact something like uniformity of theological opinion based on a definite doctrinal system" (Stackemeier), but there was no uniformity of teaching controlled by authority in the various Orders. If such a control had existed, would it have been possible for the French Minorite Asart to say that "justification is by faith, through grace, without works" while his brother in religion Delfino asserted that "the first justification only requires the simple will of God while man's free-will remains passive"? Again, the Portuguese Dominican Hieronymus ab Oleastro defined justification as the remission of sin wrought by union with Christ through faith, not of course by faith alone, since union with Christ is only brought about by the fulfilment of the commandments, while his fellow-Dominican Gaspar a Regibus spoke of the "disposing" value of good works.

The question now arises: Did Luther's teaching succeed in penetrating the minds of the Tridentine conciliar theologians? Appearances point that way. The group of four or five theologians who spoke in favour of the passivity of the human will in the process of justification and who gave support to the notion of justification by faith, placed themselves, ostensibly at least, on Luther's side. That they created such an impression is certain, but the historian will reserve judgment, were it only that the propositions ascribed to these "outsiders" have not been unambiguously handed down in the available protocols, nor have they been sufficiently elucidated. There is not a single sentence in Gregory of Siena's writings that deviates in any way from Thomistic theology. The Prior of the Dominican convent at Trent, John of Udine, who defines justification as the remission of sin through faith, nevertheless includes the sacrament of Penance in that process. The two Augustinian Hermits are visibly striving to bring their teaching on

the all-powerful efficacy of grace and justifying faith into harmony with the teaching of St Thomas. As for the Servite Lorenzo Mazochi, Massarelli merely records the general impression that he opposed the opinions of practically everyone that had spoken before him.

The Bishop of Melopotamos and Chironissa, it is true, denounced the two Augustinians to Farnese as Lutherans as early as 25 June; but his shaft was aimed more widely. The entire Order of the Augustinians, he claimed, headed by its general, was infected with the teaching of the Augustinian Luther. Like the late Cardinal Contarini, Cardinals Pole, Ridolfi and Morone, the Patriarch of Aquileia, Giovanni Grimani, the Bishops of Sinigaglia, La Cava and Fiesole were all infected with Lutheranism—they were all crypto-Lutherans.¹ The Greek prelate was not mistaken when he suspected that in the Augustinian Order and in some circles affected by the evangelistic movement, including even some members of the hierarchy, there was an earnest desire to come to terms with Luther; but his attempt to discredit men like Seripando, Pole and the Bishop of La Cava, even before the opening of the debate, proved unsuccessful. The Pope, supposing he read Grechetto's letter, took no action, while Cervini would surely not have commissioned Seripando, a month later, to draft the decree on justification if he had shared the Greek's suspicion or taken his accusation seriously.

In any case, from this side no shadow fell upon the debate on justification which was about to open. Its basis was to be not the six questions submitted to the theologians but a new arrangement of the material, one more in keeping with doctrinal realities. The proposition which Del Monte read in the general congregation of 30 June distinguished three cases, or rather three stages in the process of justification.² This process was to be studied in the light of the somewhat rare yet not purely imaginary case of the conversion of an unbeliever to the faith

¹ Grechetto's denunciation of 25 June, *C.T.*, VOL. X, p. 539, l. 19. The fact that in consequence of a request by Farnese on 2 February 1546, Grechetto sent reports to Rome from time to time is not decisive for an appreciation of the weight attached to his accusations; nor is the further circumstance that Cervini kept up friendly relations with him (going for walks with him, *C.T.*, VOL. I, p. 558, l. 1), and that the legates recommended him in Rome at a later date (9 June 1547). It is obvious that both sides regarded him as an agent supplying information. The Cardinal of Mantua described him as "un hometto di poco valore", Buschbell, *Reformation und Inquisition*, p. 60.

² The origin of the *Proposita a legatis in generali congregatione* of 30 June and the additional list of errors, *C.T.*, VOL. V, pp. 281 f., is wrapped in obscurity. Massarelli merely mentions that he had submitted it to the Bishop of Fano on the 29th. For the rest the list of errors takes note of Pelagianism as did the list drawn up in the course of the debate on original sin (*Errorres*, status I, nos. 1, 3-5; status II, no. 1).

(*status primus*). To this model case the answers to the questions which had been submitted to the theologians were to be related: namely, God's action and man's part in it, the significance of faith and the necessity of works, the essential nature of justification. The questions that follow refer to the second and third case or stage which can be regarded as normal in the life of the baptised Christian, namely: By what means can and must the justified safeguard his justification, make progress in it and attain his goal, that is, eternal glory (*status secundus*)? In the event of his forfeiting God's grace by sin, by what means may he rise from his fall and so be once more justified in the sight of God (*status tertius*)? In what does his path differ from that of the converted unbeliever?

To this tripartite arrangement, a copy of which was handed to the Fathers, there was added a catalogue of twenty-two errors connected with justification which, with the sole exception of article 36 of the Bull *Exsurge* concerning free-will, had not been textually extracted from Protestant writings but had been formulated independently. As in the debate on original sin, so now also the contrary error, Pelagianism, was taken into account; but in the debate itself this list of errors played no role whatever.

The general congregation of 30 June agreed to proceed in accordance with the proposed division of the subject-matter. The proctor of the Bishop of Trier, Ambrosius Pelargus, alone found fault with the schema. He wished to see *status* I linked with *status* III and the problem of free-will discussed before all else. The Archbishop of Sassari's proposal to submit a decree at this early stage, with a view to saving time, met with little support. Every one felt that many stumbling-blocks still cumbered the road that led to the longed-for goal.

All the more welcome for the Council at this moment was an external success which was bound to enhance its prestige, namely the arrival of the French conciliar embassy. The event was more in the nature of a formal fulfilment of an obligation arising out of a contract than an expression of an intention to collaborate with a Council which, according to a remark dropped by Francis I shortly afterwards, put the cart before the horse, inasmuch as the execution (that is, the war against the Protestants) preceded the sentence (that is, the condemnation); a Council, moreover, that did not conform to the conciliaristic ideas of the Gallicans. Nearly two months had elapsed between the announcement by Nuncio Guidiccioni of the impending departure of the conciliar envoys and 26 June, the day on which the commissary of the Council,

accompanied by the familiars, met the three envoys of the King of France and escorted them into the city of Trent. The embassy consisted of one diplomatist, Claude d'Urfé, a jurist, Jacobus de Ligneris, and a cleric, Pierre Danès, who by reason of a previous sojourn in Venice and Padua, as well as his friendship with Contarini, was well qualified to act as a go-between. The letters accrediting them were read at the general congregation of 30 June and their admission to all conciliar acts was likewise sanctioned.¹

The question of precedence still caused the legates a certain amount of anxiety. The envoys of the King of France did not dispute the imperial ambassadors' right of precedence; but what would happen if the envoys of the King of the Romans, Ferdinand I, were to insist upon a similar prerogative? This delicate matter was broached by the over-zealous Archbishop of Matera to the legates' grievous annoyance, for they had hoped to by-pass the problem, thanks to the circumstance that since their first official visit to the legates on 29 August 1545, Ferdinand's envoys, Castelalto and Queta, had made no other public appearance.

When the French envoys were solemnly introduced on 8 July, they took their places below those of the imperial ambassadors but before all the prelates. Their action was not challenged by anyone. For a whole hour Danès spoke of the great services which the kings of France, from Clovis to Francis I, had rendered to the Church and to the Papacy. He exhorted the Council to put an end to the dangerous confusion in the sphere of doctrine by means of dogmatic decrees and to the collapse of ecclesiastical discipline by means of reforms, while showing due consideration for the privileges of the Gallican Church. His promise that the king would see to the decrees of the Council being observed in

¹ General congregation of 30 June 1546: the acts in *C.T.*, VOL. v, pp. 282-5; Severoli alone reports the Bishop of Sinigaglia's proposal of the simultaneous discussion of the *impedimenta residentiae*, VOL. I, pp. 84, ff. Guidiccioni's announcement that the orators "stanno hora per partirsi" in Vat. Arch. AA I-XVIII, 6532, fol. 245^r, or; Francis I's remarks about the Council's *procedere alterato et adulterato* in Dandino's report of 4 August 1546, *ibid.*, fol. 99^r. The legates discuss the risk of a quarrel over precedence between the envoys of France and those of Ferdinand I in their report of 1 July and mention their using Madruzzo as an intermediary in order to induce Ferdinand I to forgo personal representation and to empower the imperial ambassadors to act for him, *C.T.*, VOL. x, pp. 546 f. Introduction of the French envoys on 8 July and the speech of Pierre Danès, VOL. v, pp. 309-16; VOL. I, pp. 87 f.; VOL. x, p. 555; Francis I's answer of 27 June to Nuncio Guidiccioni, VOL. x, p. 553, n. 5. For Danès alone do we possess a special work: M. Forget, "Les relations et les amitiés de Pierre Danès 1497-1577", *Humanisme et Renaissance*, III (1936), pp. 365-83; IV (1937), pp. 58-77. The "lettres patentes du Roy" for the three envoys in Ribier, *Lettres*, VOL. I p. 580, bear the date of 30 March 1546.

France was immediately taken up by the president, but with regard to the privileges of the Gallican Church the president contented himself with the cautious formula that they would be respected in so far as this was compatible with general utility. On the question of the French bishops' attendance at the Council the envoys breathed not a word, in fact, when on 27 June Alessandro Guidiccioni reminded Francis I of his earlier promises to despatch fifteen bishops to Trent, he too received an evasive answer. At this time a deputation of the French episcopate of some importance, even numerically, would have enhanced the prestige of the Council far more than the arrival of the envoys.

The general debate on original sin had required three general congregations before the appropriate decree could be submitted to the Council, but the decree on justification needed sixteen such meetings, namely eight on *status* I and another eight on the combined *status* II and III.¹ For most of the time Cardinal Pacheco and the three archbishops who opened the debate on 5 July kept strictly to a carefully prepared manuscript; one-half of the bishops followed their example. They were shy of treating so delicate a theological problem in extempore speeches. Very few of the prelates felt as sure of having mastered the subject as did the Bishop of Bosa in Sardinia, the Dominican Balthasar Heredia who, on 7 July, expounded the interaction of grace and freedom in so excellent a manner as to earn general applause. However, on the following day his fellow-Dominican, the Bishop of Fano, far surpassed him. The bishop's discourse, which lasted two hours, occupied all the time that remained after the introduction of the French envoys. We may pause for a moment to consider it, not only because Bertano

¹ The protocols of the eight general congregations from 5-13 July on *status* I, and the following eight from 15 to 23 July, on *status* II and III, *C.T.*, vol. v, pp. 286-384 (with the original votes), are exceedingly meagre in places because Massarelli, hoping to obtain the manuscripts of the votes, repeatedly restricts himself to the remark: "legit suam sententiam". According to *C.T.*, vol. I, p. 570, l. 31, he made use of the *Summarium* of Marcus Laureus when drawing up his protocols. Severoli too is often content to note the names of the speakers for he was not primarily interested in theological questions, *C.T.*, vol. I, pp. 86-94. To the original votes printed by Ehses, 17 on *status* I and 9 on *status* II, must be added from the collection of the *Gregoriana* that of the general of the Carmelites, Audet, of 13 July, J. Olazarán, "Voto tridentino inedito sulla giustificazione e la certezza de la grazia del Generale Carmelitano Nicolo Audet", *Il Concilio di Trento*, 1 (1942-3), pp. 272-85; the vote of the general of the Conventuals, Costacciaro, of 22 and 23 July, which treats of all three *status*. Olazarán, "Nuevos documentos tridentinos sobre la justificación", *Arch. teol. Granatino*, XII (1949), pp. 164-209; the two votes of Abbot Isidoro Chiari of 13 and 22 July have been reprinted from a text printed at Venice in 1548, by J. Heiner, *Voten vom Trienter Konzil* (Würzburg 1912), pp. 7-21.

was one of the legates' most intimate advisers, but likewise because of its actual content.¹

Bertano begins by examining the two basic concepts of justice and faith. There is a threefold justice, namely the justice of God who promised to send us his Son for the forgiveness of sin; the justice of Christ, that is, the merits of his Passion and death, which must be appropriated by us and so become our own (*iustitia inhaerens*); finally the justice of good works by which we prove ourselves to be just. The first justice does not justify; only the second does so because it effects the remission of sins and fits us for the justice of good works. How do we become partakers of that justice? The answer is, by means of an active, dynamic faith (*per fidem*), not by a purely static one (*ex fide*). We are not justified by any kind of faith; devils and sinners believe the facts by which salvation was wrought by Christ as so many historical events, and as for wonder-working faith, St Paul declares that without charity it is nothing, even if it move mountains. Only the faith of the gospel, that is, faith united to hope and charity, justifies. By such a faith alone is man joined to Christ, the second Adam, and enabled to perform good works, that is, works meritorious in the sight of God, without which, according to St James (II, 26) faith is dead. Ethically good works performed previous to faith are not sins, but they have no bearing on justification. Faith freely bestowed by God is actively accepted by man, hence he does not remain purely passive in the process of justification. St Augustine says: "He who made thee without thee will not save thee without thee", and St Thomas declares that "when we are justified, we assent to God's justice". The difference between the Catholic and the Lutheran doctrine of justification appears on three heads, Bertano declares: the *sola fide* formula is too narrow because it excludes hope and charity; faith does not contain personal justification; good works are not merely tokens of justification, they are an essential element of it.

It can hardly be contested that Bertano's vote evidences a profound insight into the real doctrinal differences and does not fasten on mere formulas. The Bishop of Fano spoke as a Thomist; the Minorite Musso, "who earned almost universal approval" by his discourse on 9 July, did so as a Scotist but nevertheless, even more clearly than

¹ Although the original votes of the Bishop of Fano are not available I feel justified in giving a detailed account of his statements because Severoli, *C.T.*, VOL. I, p. 88, also regards them as fundamental both by reason of their intrinsic significance and on account of the speaker's close relations with the legates, in fact he substantially completes the protocol, *C.T.*, VOL. V, pp. 309 f.

Bertano, showed that the dividing line which marked off Luther's teaching lay in the new, gratuitously bestowed justification. He differentiated his standpoint decisively from that of Luther when he declared that the faith spoken of by St Paul was an act of faith resulting from the co-operation of grace and freedom; that, together with repentance and purpose, it was an element of the preparatory disposition and that the infused virtue of faith accompanied the virtues of hope and charity which are bestowed in the act of justification itself. On 13 July the Bishop of the Canary Isles, like Musso a member of the Franciscan Order, spoke on the theme of the preparation for justification. He categorically denied the possibility of merit, even in a loose sense of the word (*meritum de congruo*), without the help of grace, but he did not regard naturally good works as worthless because "in some way" they move God to mercy.

It is impossible within the frame-work of a historical presentation to give an account of these many-sided notions except by quoting a few examples, but to cite them merely as typical of the opinions of the different schools of thought would be to do them violence. Even such members of the Council as did not belong to any of the great religious Orders that specialised in theology were able to submit well thought out and detailed votes, as for instance the Bishops of Matera, Sinigaglia, Feltre, Vaison and Syracuse. They even succeeded in coining excellent formulas, such as the Bishop of Calahorra's wholly Augustinian dictum: "All our works are wholly God's and wholly ours." The summing up with which Jerome, Bishop of Syracuse, a member of the Beccadelli family of Bologna, concluded his vote on 9 July, appeared to the conciliar secretary so happily worded that, after some alterations, he placed it at the head of his *Summarium* as being the expression of the Catholic notion of justification commonly held by all the members of the assembly. For us also it may well stand as the embodiment of the Council's "answer" to the new doctrine of salvation, an answer whose framing in the terms of a decree was to occupy yet many months.¹

It runs thus: "In the act of justification God prevents man with his grace, enlightens, or moves his intelligence not only inwardly but from outside as well, through the preaching of the word of God (Rom. x, 14 ff.). If this call is heeded, God brings home to man his unbelief, ungodliness and unrighteousness and offers him justification and re-

¹ C.T., vol. v, p. 337, to be compared with the vote of the Bishop of Syracuse, *ibid.*, p. 320, l. 49. The second *Summarium* has been drawn upon for the sake of completeness, *ibid.*, p. 381, l. 29.

mission of his sins through Christ. Where this preventing grace is accepted, there follows faith in the divine promise concerning Christ and in the imparting of Christ's merits by God's mercy to man, a sinner. As he surveys his previous life, man conceives a horror of his sins. Through the sacrament of Baptism he is born anew and justified by the free grace of God, not alone by the ascription to him of the justice of Christ, but by an indwelling grace inherent in himself. This grace is bestowed on him, infused in him and made his very own in such wise that by it he becomes a just man. Simultaneously with the imparting of this grace all his sins are blotted out, his spirit is renewed by the Holy Ghost and charity is poured forth in his heart. He also receives further assistance from the Holy Ghost who so strengthens him that in spite of moral weakness he is able to observe God's commandments." If to these statements of the *Summarium* of the second half of the debate we add the one sentence that "the good works done in God's grace do not only preserve and increase justice, but likewise merit eternal life", we are in possession of the Council's answer, as yet incomplete it is true, to the seven questions which we set down at the beginning for the purpose of orientation.

The question arises: Had Luther's teaching been merely declined? Had it failed to make an impression on any one of the fifty prelates? Did not the common traditional doctrines, which are also found in his teaching, lead to an approach to him at least on some particular points?

The contribution made by Seripando, the general of the Augustinians, to the debate on original sin makes us eager to read his vote on the present question. However, we deliberately do not base our account of his doctrine of justification on the original text of his votes of 13 and 23 July, which have come down to us, and even less on the official protocols, but rather on a tractate of considerable size drawn up by him some time before the opening of the debate, starting from the six questions of 22 June. In this treatise, in which he did not have to consider a critical audience, Seripando developed his views of justification in its internal coherence.¹ He premises two postulates: the future decree on justification must dispense with scholastic terminology and speak a language that laymen can understand, if it is to become a rule of life and belief. Furthermore, the decree must link up with religious experience—not indeed any chance or subjective experience, but with

¹ Seripando's tractate on justification, *C.T.*, VOL. XII, pp. 613-36; the votes, VOL. V, pp. 332-6; 370-5; described in Jedin, *Seripando*, VOL. I, pp. 364-73 (Eng. edn. pp. 326-35), on the basis of his earlier pronouncements on the subject of justification.

such typical examples of conversion as are found in Holy Scripture and Christian tradition, such as the conversion of David, St Paul, St Augustine. We are thus led to the following conclusion: four factors are simultaneously at work in the conversion of an adult unbeliever, (1) the grace of God freely accepted by man without any previous preparation due to his unaided natural powers; (2) repentance, in co-operation with grace; (3) God's justice; (4) the appropriation through faith of that justice. The interaction of these four factors is as follows: Out of pure goodness God bestows on the sinner a grace by which he calls the offender back to himself (*gratia praeveniens, operans*). The sinner is only able to respond to this call if it is accompanied by a second grace, one that heals the will and sets it free to do what is right (*adiutorium*). This grace enables him to accept the grace of the call; he takes cognisance of his condition, repents and turns away from sin. At this stage God's justice intervenes, that is, God's saving will as implied in the person and in the redeeming work of Jesus Christ. Man believes and trusts in Christ and so becomes united to him and secures God's pardon of his sins (*iustificatio fidei*). Thus reconciled to God he receives the Holy Spirit with all his gifts, especially that of charity which enables him to fulfil the commandments (*iustitia operans*). Thus the remission of sin is wrought on the basis of the acts of faith and trust. Charity is God's gift to the reconciled. The objection that was to be expected, that this sketch implied the acceptance of the *sola fide* doctrine, Seripando countered by pointing to the fact that the remission of sin and sanctification are only logically separate, not chronologically, and as a psychological process they are simultaneous.

Justification is preserved with the help of divine grace at the cost of a sustained struggle with concupiscence and its growth keeps pace with the increase of faith, hope and charity. But in the event of its being lost through grievous sin the believing sinner must tread the same path as the unbelieving one, and in addition must receive the sacrament of Penance which remits eternal, but not temporal, punishment. Justification is only completed at the moment of man's entrance into eternal life which is both a grace and a reward—a grace in so far as the good works in themselves do not possess the perfection corresponding to the strict justice of God, and a reward because when joined to the justice of Christ, from which they stem, and to Christ himself, to whom the just man is united by faith, they can be regarded as worthy of a reward (*non praecise ex operum dignitate sed ex Dei misericordia aspiciente christianum hominem factum per fidem membrum Christi et participem*

iustitiae Christi). We can only speak of man's merit with the reservation that the reward is also a grace.

It is evident that with his definition of justification by faith and his teaching on merit, in which we recognise at once his conception of concupiscence with which we are already familiar, but above all with his attempt to combine the theocentric and the psychological consideration of the subject-matter, Seripando goes a step further in the direction of Luther and in fact even oversteps the line later drawn by the decree. When expounding his votes his caution was such that at least in the ranks of the conciliar body no criticism of his orthodoxy was heard. According to Severoli, Bonuccio, the general of the Servites, whose sermon had given so much offence three months earlier, earned general approval by his vote of 16 July, which took him nearly two hours to deliver, because it was thought that he had resolved "all difficulties learnedly and in a Catholic spirit" (*et docte et catholice*). At the conclusion of his discourse he expressly submitted himself to the judgment of the Council.

On the other hand five Fathers of the Council gave offence in the course of this first general debate. They were the Archbishop of Siena, and the Bishops of La Cava, Worcester, Aquino and Belluno. According to Severoli's account, on 5 July Archbishop Piccolomini had ascribed to Christ "every stage of the process of justification", and had made use of the *sola fide* formula. However, neither the text of this vote nor that of 15 July has been preserved. Of the vote delivered on 9 July by the Englishman Richard Pate, a friend of Cardinal Pole, we have only the account of Marcus Laureus, to the effect that Pate had defended both justification by faith alone and the passivity of the will. On the other hand it is less certain that he denied the meritoriousness of good works. In his second vote, on 20 July, he coined the saying "justice increases as faith increases". The views of the other three prelates are known through the original text of their votes. Galeazzo Florimonte, a humanist and a friend of Seripando, merely asserts that justification by faith is not preceded by good works but that they must follow it, for otherwise faith would be barren. Giulio Contarini, Gasparro's nephew, expounds three notions: (1) All human activity previous to justification has no merit-value and the "disposition" is exclusively God's work. (2) When the sinner, overcome by grace, assents to it, he experiences the forgiveness of his sins, receives the gift of faith, that is, true, living faith allied to charity and in this way is made a just man. By means of this faith he participates in the merits

of Jesus Christ, independently of the works of the law. (3) Good works are the necessary fruits of faith; they are as inseparably connected with it as light with the sun, so that he who lacks them also lacks a living faith—but they do not imply merit.

The only prelate who we know for certain had made Luther's formulas of "faith alone" and "the servile will" his own, is the papal conciliar commissary Sanfelice. His psychology of justification keeps close to the Lutheran. When the sinner, terrified by the prospect of impending doom, knows not which way to turn, God shows him his mercy in Christ and bestows on him faith "in the mystery of redemption", which is accompanied by hope, charity and repentance but which is able to save by itself alone. By faith alone the ungodly is reunited to God (*ex impio factus pius*), loves God, hopes in him and surrenders himself to him. But we must not overlook the fact that like St Thomas, Sanfelice regards the sequence of forgiveness of sin and sanctification not as a chronological but as a logical one. He nowhere speaks of man's passivity; man does not resist the call of grace but obeys it. However, faith, hope, charity and true repentance are all fruits of the Holy Ghost, not acts by which man disposes himself for justification. The practice of these virtues produces yet richer graces and more perfect works, like a well-watered garden or a river fed by fresh springs. For all that the just man acknowledges himself to be a sinner before God and ascribes all the good accomplished in him wholly to God's mercy. Like Johann Eck in his disputation with Karlstadt at Leipzig, Sanfelice appeals to the Church's prayer on the sixth Sunday after Pentecost in support of his teaching on grace. This collect runs thus: "O God of might, from whom all that is good proceeds, graft upon our hearts the love of thy name and grant us an increase of piety, in order that thou mayest foster what is good and with tender solicitude mayest preserve that which thou hast fostered."

If we leave the Englishman Pate on one side—after all we have not a single undoubtedly authentic pronouncement of his—it is not difficult to see that the concern of the four above-named Italians is to establish the fact of the gratuitousness of justification, but owing to the adoption by them of the apposition "faith-works", their votes sound more Protestant than they really are.¹ None of them wants to be a Lutheran;

¹ The votes of the five prelates suspected of Lutheran leanings: the Bishop of Siena, *C.T.*, VOL. I, p. 86, l. 26; the Bishop of Worcester, VOL. V, p. 383, l. 20; p. 364, l. 20; the Bishop of Aquino, *ibid.*, p. 327; the Bishop of Belluno, *ibid.*, pp. 325 ff.; the Bishop of La Cava, *ibid.*, pp. 294 ff.; 352 ff. Severoli's observation about Bonuccio, VOL. I, p. 90, l. 3. Domíngo a Sta Teresa, *Juan de Valdes* (Rome 1957), pp. 294 ff.,

all submit to the Council, including Sanfelice, who had been more reckless than the rest in making Luther's vocabulary his own, so much so indeed that in places one has a feeling that one is listening to the latter rather than to the papal conciliar commissary. He alone became the victim of a provocation and of his own recklessness.

In the general congregation of 17 July Sanfelice had given his vote on the second and third stages of justification—a harmless speech by comparison with the first—and the assembly had come to an end. His opponent, Dionisio de Zanettini (Grechetto), was standing near him, engaged in conversation with the Bishop of Rieti, Mario Colonna, and the Bishop of Bertinoro, Thomas Casellus, a Dominican. The Bishop of Rieti was telling Grechetto, who evidently had already condemned Sanfelice's views in a previous conversation: "Your turn will come on Monday." The Bishop of Bertinoro thereupon took the Greek by the hand and, looking towards Sanfelice, observed: "Next Monday he will let you have it!" Sanfelice took up the pleasantry and laughingly replied: "I am ready for it!" But turning towards the Bishop of Bertinoro, Grechetto added under his breath: "He has no excuse; he is either a knave or a fool." The Bishop of Bertinoro added fuel to the flame by remarking: "I have often told him that he does not understand these things at all." Sanfelice, the proud scion of a noble Neapolitan family, had overheard the Greek's words though they were spoken in an undertone. Approaching him he asked: "What are you saying?" Grechetto repeated his remark aloud and without any attempt to soften it: "Yes," he said, "you are either a knave or a fool." Instead of any answer the infuriated prelate seized the offender by his beard and shook him so violently that a wisp of hair remained in his hand. Thereupon the victim of the aggression shouted for all to hear: "I have said that the Bishop of La Cava is either a knave or a fool, and I shall prove it."¹

thinks he can detect some after-effects of Valdes and of the work "Del beneficio di Cristo" in the votes of the Bishops of Belluno, La Cava and Worcester and even in that of the Bishop of Fano.

¹ The Cava-Grechetto incident was discussed in the general congregations of 17 and 19 July, *C.T.*, VOL. V, pp. 354 ff., 361 f. My presentation is based on the four protocols of the hearing of the case, *ibid.*, pp. 357 ff., which agree on the main points but differ greatly as to details. It is clear that the Bishop of Bertinoro suppresses the remark with which he had egged on Grechetto, that is, that he had often told the Bishop of La Cava that he knew nothing of dogmatic theology. Besides Severoli, *C.T.*, VOL. I., pp. 93 f., Pratanus must also be considered, for his attitude, VOL. II, p. 385, l. 22, shows that the Spaniards regarded the sentence as too mild, especially as the Emperor insisted on "correction y castigo", VOL. XI, pp. 64, l. 7; cf. *ibid.*, p. 66, l. 15. For the legates the incident was exceedingly painful, VOL. X, pp. 565, l. 21; 569, l. 24; 576, l. 5, and of course also for the Pope, *ibid.*, p. 572, l. 18, since La Cava was his conciliar commissary.

The Council could not ignore an incident of this kind. By the terms of Canon Law, Sanfelice was guilty of a personal injury punishable by excommunication. What rumour would make of it was of course incalculable. A general congregation was convoked for the same afternoon in which the Fathers were to give their opinion on the incident. The Spaniards, including the ambassador, Toledo, were for a severe punishment of the offender whom they regarded as a Lutheran. On the other hand the bishops of the kingdom of Naples, headed by the Bishop of Bitonto, pleaded for leniency to which his great services to the Council and his blameless character entitled him. On a motion by Pacheco it was resolved that before any further step was taken the two parties, as well as the actual witnesses of the incident, should be questioned. Sanfelice was interned in the convent of San Bernardino, of the Franciscans Observant, and the members of the Council were forbidden to have any kind of intercourse with him since he was an excommunicate. Sanfelice submitted to these measures in a contrite spirit.

The minutes of the above-mentioned examination were read in the general congregation of 19 July. It was evident that feeling had veered round in favour of Sanfelice. Del Monte pointed out that some of the blame must be laid on the shoulders of the Greek since it was he who had provoked his opponent. However, the legates refused to absolve Sanfelice from the excommunication which he had incurred, though they might have done so in virtue of their legatine powers. In that case Sanfelice could have resumed his place in the Council. But the legates were all the more unwilling to act as at this very moment the Spaniards Pacheco and Calahorra were particularly insistent that the whole affair should be settled by the Council. The legates maintained that the offender must seek absolution from the Pope. The votes were so divided that no decision was reached that day. Sanfelice was only set at liberty on 28 July, after Grechetto had pleaded on his behalf. It was left to him to seek absolution from the Pope himself. Though debarred from participation in the conciliar transactions he nevertheless continued to reside at Trent until 3 September, when he was absolved by the legates, but in virtue of a special authorisation which they had obtained in the meantime. He then left the city of the Council for

The Bishop of La Cava's absolution on 3 September, VOL. I, p. 571, l. 19, on the basis of powers granted on 25 August, VOL. X, p. 622. Rückert, *Rechtfertigungslehre*, p. 167, n. 3, has a short but objective account of the incident. At Chiavenna Camillo Renato, who had heard of the incident but imagined the culprit to be a Frenchman, passed this judgment: "Opera plane spirituum papisticorum"; Tr. Schiess, *Bullingers Korrespondenz mit den Graubündern*, VOL. I (Basle 1904), p. 98 (15 August 1546).

good and his duties as conciliar commissary were taken over by the Bishop of Belcastro, Giacomo Giacomelli. As for Grechetto, he was not ashamed to ask for himself if not the office at least the salary of the deposed commissary. When his demand was rejected he gave vent to his exasperation in a letter to Rome, in which he said: "I have become a laughing-stock for the Council and for the Lutherans."

On 15 July, and while the general debate was still in progress, the legates had had four deputies elected by secret ballot for the purpose of drafting a decree. Those chosen were the Bishop of Bitonto (40 votes), the Bishop of Belcastro (23 votes), the Archbishop of Armagh and De' Nobili (19 votes each). To these deputies the legates adjoined the most distinguished of the conciliar theologians and Cervini personally took a lively interest in their work. The formulation proved so difficult that the draft was only handed out to the Fathers on 23 and 24 July, that is a bare seven days before the date of the Session. But before it was submitted for discussion the Archbishop of Armagh laid it before the conciliar theologians at a meeting in his residence.

The first draft of the Tridentine decree on justification was at one time universally ascribed to the Franciscan Andreas de Vega, on account of its close resemblance to a copy made by Vega and which was thought to be a preparatory piece of work; but in reality this paper represents a later treatment of the draft of 23 July, which went under the name of the four deputies. Which of them actually wrote the paper, the Bishop of Bitonto or the Bishop of Belcastro, is uncertain.¹ In highly

¹ The first draft of the decree on justification of 23 July—the "July draft", *C.T.*, VOL. V, pp. 384-91, went under the name of the deputation of four, appointed on 15 July, to which the legates had adjoined some conciliar theologians, VOL. X, p. 565, l. 18, hence in their report of the 21st they say that the task had been concluded by the deputies "in compagnia di molti altri theologi dei migliori che sieno qui", *ibid.*, p. 569, l. 5. On the 23rd the prelates were told to collect the copies at Massarelli's office, VOL. I., p. 562, l. 23. Supplementary consultation of the conciliar theologians took place between 24 and 29 July at the Archbishop of Armagh's house, *ibid.*, p. 564, l. 7. That the copy in VOL. XII, pp. 637-43, is Vega's work and not a preliminary sketch of the draft, but a subsequent revision, which took into account the *annotationes theologorum* and perhaps even the votes of 13 and 17 August—as is attested by a note in Cervini's own hand—has been convincingly demonstrated by V. Heynck, "Der Anteil des Konzilstheologen Andreas de Vega, O.F.M. an dem ersten amtlichen Entwurf des Trienter Rechtfertigungsdekretes", *Franziskanische Studien*, XXXIII (1951), pp. 49-81. For the actual authorship we have two contradictory witnesses: on 8 August the Bishop of Belcastro sent to his brother Cosmo, the Pope's personal physician, a copy of the draft with the remark "Quale io ho facto . . . come deputato" and in fact "a concurrentia di quello ha facto Mons. Cornelio, quale da tutti prelati è biasimato, essendo lo mio, impolito un poco, passata in sessione", *C.T.*, VOL. X, p. 596, l. 17. On the other hand the Bishop of Alba asserts on 9 August that the Bishop of Bitonto was chiefly responsible for the work; "hanno fatto di capo del vescovo Cornelio un decreto",

rhetorical language the document proclaims in three sections the gratuitousness of justification through the appropriation of Christ's merits. It then goes on to condemn in eighteen canons the errors that had arisen, namely four about the essence of justification which, it states, does not consist exclusively in the imputation of the merits of Christ (*sola imputatio Christi*) but in the bestowal of justice (*donatio iustitiae*), that is, in the gift of an inherent, sanctifying grace (*gratia gratum faciens nobis inhaerens*). It then affirms the gratuitousness of justification (there is no question of merit through free-will, *promereri per liberum arbitrium*) and the necessity of man's co-operation in the acceptance of grace and in the preparatory act of faith (8-11). The refutation of the *sola fide* doctrine is very thorough (12, 13); so is the defence of merit (14, 15, 17). For the preservation of justification man needs the grace of perseverance (16); the grace of justification may be forfeited without faith being lost. The doctrine that we can be certain of possessing grace and of being saved is described as erroneous (18, 19). The doctrine of the necessity of faith in one's personal justification is rejected in canon 20 and the process of justification in the conversion of the believing sinner outlined. The concluding canon deals with the effects of the sacrament of Penance.

The conciliar theologians to whom the Archbishop of Armagh submitted this draft declared themselves in agreement with most of the canons, or contented themselves with proposing some slight alterations, mostly on points of style, and only in respect of canon 18 which, contrary to the general Scotist inspiration of the draft rejected the possibility of certitude about one's being in a state of grace, did they judge a fresh discussion unavoidable. Incomparably sharper were the bishops' criticisms. The Bishop of Bitonto, one of the four responsible for the draft, freely granted that it was no masterpiece. On 9 August the humanist Vida, Bishop of Alba, wrote in disparaging terms to the Cardinal of Mantua that it was a sermon rather than a decree; in places its effect was that of a lecture or a homily; he would not disgrace the Council by passing it on further.

ibid., p. 866, l. 18. The expression "di capo" is somewhat vague so that I no longer dare (as in *Seripando*, VOL. I, p. 381, n. 6, Eng. edn., p. 345, n. 28) describe Giacomelli's claim to authorship as sheer boasting. On the other hand nothing is known of a separate draft by the Bishop of Bitonto which Giacomelli presupposes unless the "lineamenta" in *C.T.*, VOL. V, pp. 428 ff., are his work. The Bishop of Bitonto's observations, VOL. I, p. 98, l. 7, would be more readily understood if he really took a decisive share in the making of the draft. The assertion of the Anonymous, VOL. X, p. 582, l. 5, that the reading of the draft had taken one hour and three-quarters is surely an exaggeration.

In the course of the debate which, for different reasons of a political nature, as we shall have to explain, presently, only opened on 13 August,¹ it became evident that a large number of prelates had not seriously studied the lengthy document. The reason given by a number of them, that they had not had the theologians' glosses at hand, was an evasion, not an excuse, for though these explanations had not been officially circulated by the secretary, there was nothing to prevent those interested in the subject from obtaining a copy from Massarelli, as became the usual practice in the last period of the assembly. The most serious objection to the draft came almost in identical terms from the Bishop of Fiesole and the proctor of the Bishop of Trier, Pelargus. The decree, they urged, must be shorter and clearer; it must not explain but define. They cavilled at the fact that some themes, which were not strictly to the point, were alluded to but not discussed, such as indulgences and Purgatory. With regard to canon 18, the general of the Conventuals, Bonaventura Costacciaro, and the general of the Carmelites, Nicholas Audet, in accordance with the memorial of the theologians, demanded a discussion of the problem of the certitude of grace and salvation. Only with difficulty was Grechetto restrained from starting a quarrel with Costacciaro about the true meaning of the teaching of the doctor of his Order, Scotus, on this question. As on other occasions, with which we are already acquainted, Grechetto was not slow with the accusation that his opponent sided with Luther.

Though criticism of the draft was lively the debate itself was sluggish and unexciting. When it was continued in the general congregation of 17 August six prelates demanded that the draft be withdrawn and another submitted in its place. Bonuccio described it as "unacceptable in all its parts" (*in omnibus displicet*). What the latter said aloud the cautious Seripando confided only to paper. From the marginal notes on his copy of the draft, we gather that he disagreed with it on all the

¹ General congregations of 13 and 17 August: protocol and original votes in *C.T.*, VOL. V, pp. 402-13. Of the original votes of the 13th that of the Bishop of Fiesole is the most important as regards its content. On the 17th the Bishops of Ascoli, Feltre and Vercelli demanded that the heretics should be named in the decree, *ibid.*, pp. 412, ll. 10 and 38; 413, l. 22. The Bishop of Corfu, *ibid.*, p. 411, l. 29, already speaks of "alia decreta", hence he must have had an inkling of Seripando's draft. Severoli, *C.T.*, VOL. I, pp. 100 ff., is again much more interested in the political observations of Pacheco, San Marco and Caorli than in the theological questions. The legates' reports touch only lightly on both general congregations, VOL. X, pp. 607, l. 10; 616, l. 21. The suspicion mentioned in the latter place, that when Pacheco and his adherents pleaded unpreparedness, their sole aim was to delay the discussion, is shared by Severoli, *C.T.*, VOL. I, p. 101, l. 40. Grechetto's attack on Costacciaro, VOL. X, p. 586, but the date—2 August—is doubtful.

decisive points. The restraint practised in public by the general of the Augustinians was dictated by a special consideration. Since 11 August Cervini had had on his desk the draft of a new decree drawn up by Seripando at the legate's request. The fact was that, by the time it came to be discussed, the July draft had already been scrapped, nor had the fact remained a complete secret. This accounts for the slackness of the debate, though it does not explain everything. Why was the draft put on one side during the week of 23 to 29 July, while the time-limit for the Session lapsed? And why did another fortnight go by before it came up for discussion?

The answer to these questions comes from another quarter. The fact was that the Council had been caught in the turmoil of international events on the edge of which it had stood from the beginning. Even while it came into being, at the turn of the year, and while it was busy on its first decrees during the ensuing months, weighty political and military decisions were preparing in the Empire. In the course of June and July, while the sun beat down fiercely upon the valley of the Adige and the Council-hall in which the problem of justification was being discussed, the great war had broken out in Germany. The latest reports from the theatre of war proved far more exciting for the Fathers than the theological formulas which were their real concern. The question now was: should the Council remain at Trent, or had the time come for its translation into the interior of Italy?

The Outbreak of the War of Schmalkalden and the First Plan for the Translation of the Council

AT the conclusion, in May and June 1545, of the negotiations for an alliance between Pope and Emperor (VOL. I, pp. 521 f.), Rome expected that the war would begin in the autumn of the same year. If a whole year elapsed before the Emperor struck the first blow, the explanation lay not exclusively in the slow progress of his military preparations, but equally in his habit of giving long and careful thought to all weighty decisions. He was unwilling to have recourse to force against the Protestants, although he had conceived such a plan as early as the conclusion of the Diet of Augsburg—only to reject it again and again—before every possibility of an understanding had been positively exhausted and no other way out could be discerned. He continued to enjoy the freedom of movement in his external policy which the Peace of Crépy had secured for him. The death on 9 September 1545 of the Duke of Orleans, whose marriage with a Habsburg princess was to have sealed the peace between the two dynasties, introduced into the preliminaries for the establishment of friendly relations with France which, as it was, were making but little progress, a complication which was by no means unwelcome to the Emperor though it did not force an alteration of course. Only the peace between England and France, concluded on 7 June 1546 at Guînes, contained the possibility of a new combination of the Powers.¹ However, by this time the die had been cast.

¹ In my opinion the development of the political situation from the end of 1545 up to the summer of 1546 is best worked out by K. Brandi, *Karl V*, pp. 449-72 (Eng. edn. pp. 523-49) and *Quellen*, pp. 352-70; more briefly in P. Joachimsen, *Die Reformation* (Munich 1951) pp. 246 ff.; G. Ritter, *Die Neugestaltung Europas im 16. Jahrhundert* (Berlin 1950), pp. 173 ff.; H. Hauser-A. Renaudet, *Les débuts de l'âge moderne* (Paris 1946) pp. 469 ff., 490 ff.; full and thorough, L. Ranke, *Deutsche Geschichte im Zeitalter der Reformation* (Akademieausgabe) VOL. IV, pp. 307 ff.; J. Janssen, *Geschichte des deutschen Volkes*, VOL. III²⁰, pp. 673 ff. The following specialised works on Charles V's policy on the eve and at the beginning of the war of Schmalkalden have been used: F. Hartung, *Karl V und die deutschen Reichsstände 1546-1555* (Halle 1910), pp. 20 ff.; P. Heidrich, *Karl V und die deutschen Protestanten am Vorabend des Schmalkaldischen*

In the Recess of the Diet of Worms, 4 August 1545, the Emperor had announced, without the consent of the Catholic Estates, a new religious colloquium to be held at Ratisbon. A religious colloquium! Was not this in open contradiction with the solution agreed upon at Worms: first war and after that a Council—"cannon and canons"? No alternative seems possible. Either the religious colloquium was seriously meant as a fresh attempt to reach an understanding with the Protestants by means of direct negotiations—and this meant a return to the policy of reunion which had been abandoned since the Diet of Ratisbon in 1541 and acceptance of which by the Curia would be extremely surprising—or the colloquium was no more than an attempt to deceive for the purpose of gaining time to prepare for war, in which case the attitude of the Curia is easily accounted for.

However obvious the latter assumption appears and however much the course of the colloquium seems to support it, it does not quite correspond to the facts. Even at this time the Emperor did not pursue a one-way policy. The Pope might view the conference as a manoeuvre in the execution of the great plan and so ignore it, but at Trent it was regarded as a move against the Council, all the more so as it did not open on 30 November, as originally planned, but only two months later, on 27 January, hence long after the opening of the Council.¹

Krieges, VOL. II (Frankfurt 1911-12); Rückert, *Rechtfertigungslehre*, pp. 14-38. In my presentation an attempt is made to bring out more clearly than has been done up to now the connection of events in Germany with the Council, on the basis of printed sources.

¹ The religious colloquy of Ratisbon of the year 1546: the best survey of sources is in F. Roth, "Der offizielle Bericht der von den Evangelischen zum Regensburger Religionsgespräch Verordneten an ihre Fürsten und Oberen," *A.R.G.* v (1907), pp. 1-30; 375-97. The official report there reprinted was made use of by M. Bucer in his *Disputata Ratisbonae in altero colloquio anno XLVI et collocutorum Augustanae confessionis responsio* (sine loco 1548 and dedicated to Joachim II of Brandenburg on 20 November 1547). Bucer's reports to Strasbourg in *Politische Correspondenz*, VOL. IV, PT I; pp. 16 ff.; those to Philip of Hesse in Lenz, *Briefwechsel Philipps von Hessen*, VOL. II, pp. 389 ff., 406 ff. The reports of Major and Brenz in *Corp. Ref.*, VOL. VI, pp. 35 ff., 51 f., 64, 82; the objections of the Wittenbergers after the conclusion of the colloquy, pp. 118 ff., 135 f. Count Wolrad von Waldeck's notes are most informative; printed by V. Schultze, "Das Tagebuch des Grafen Wolrad II zu Waldeck zum Regensburger Religionsgespräch 1546", *A.R.G.*, VII (1909-10), pp. 135-84; 294-347; H. Nebelsieck "Elf Briefe und Aktenstücke über das Religionsgespräch von Regensburg 1546", *A.R.G.*, XXXII (1935), pp. 127-36; 253-83. The official Catholic account is in *Actorum colloquii Ratisponensis ultimi verissima narratio* (Ingolstadt 1546); Billick's *Epistola* of 30 April 1546, is printed in his work: *De ratione summovendi praesentis temporis dissidia* (Cologne 1557), fols. lvi^v-lxix^v; cf. A. Postina, *Der Karmelit Eberhard Billick* (Freiburg 1901), pp. 82 ff. For the role of the president Maurice von Hutten: K. Ried, *Moritz von Hutten, Fürstbischof von Eichstätt, und die Glaubensspaltung* (Münster 1925), pp. 81-97; further material in J. Deutsch, *Kilian Leib* (Münster 1910), pp. 123-30. Cochlaeus's reports to Cervini for the months of February

Trent's fears were groundless. The Emperor insisted that no binding decisions were to be taken at the colloquium; its task was to be exclusively of an informatory nature, namely the drawing up of a report for the Diet which was also convoked to Ratisbon. There was therefore no question of forestalling the decisions of the Council. However, the Catholic Estates, especially Mainz and Salzburg, persisted in rejecting the project. The Emperor appointed on his own authority not only the presidents, namely Maurice von Hutten, Bishop of Eichstätt and Count Frederick Fürstenberg, but in agreement with his brother he also designated the four Catholic collocutors in the persons of his chaplain, Pedro Malvenda, the Carmelite Eberhard Billick, the Augustinian Johann Hoffmeister and Johann Cochlaeus, together with four assistants. The Protestants chose for their representatives that veteran of religious colloquia, Martin Bucer, who was, however, placed under the tutelage of the two Swabians, Brenz and Schnepf. Melancthon's absence was a demonstration of the negative attitude of the Elector of Saxony. His place was taken by the youthful George Major. The Emperor's trusted delegate and leader of the Catholics in the negotiations was Malvenda, "the sophist of the Sorbonne", as the Protestants called him on account of his having read theology in Paris. The coadjutor of Mainz, Michael Helding, who by the express command of the Emperor and to the annoyance of the legates had left the Council, kept in the background at Ratisbon. He acted thus at the suggestion of his new archbishop, Sebastian von Heusenstamm, and the same line of conduct was adopted by the Bishop of Naumburg, Julius Pflug, who originally had been intended for a leading role.

From the very beginning the Protestants' attitude was dictated by mistrust—justifiable mistrust. They rejected Malvenda's proposal that

and March 1546 have been published by W. Friedensburg, *Z.K.G.*, xviii (1898), pp. 600 ff.—Narratives: H. von Caemmerer, *Das Regensburger Religionsgespräch im Jahre 1546* (Berlin 1901); P. Heidrich, *Karl V und die deutschen Protestanten am Vorabend des Schmalkaldischen Krieges*, vol. II (Frankfurt 1911-12), pp. 190 ff.; Schottenloher, nos. 41390-41398. Gutiérrez (*Españoles*, pp. 962-5) also did not find much information about Malvenda and neither the day of his birth nor that of his death is known. The negotiations of the auxiliary of Mainz, Michael Helding, for permission to go to Ratisbon in *C.T.*, vol. I, p. 341, l. 18; vol. x, pp. 266, l. 17; 286, l. 26; 306; his departure on 8 January 1546, vol. I, p. 369, l. 12; cf. N. Paulus, "Michael Helding. Ein Prediger und Bischof des 16. Jahrhunderts", *Katholik*, lxxiv, pt ii (1894), pp. 410-30; 481-502.—For an appreciation of the religious colloquy at Trent, see *C.T.*, vol. I, pp. 223, l. 10; 238, l. 20; 497 ff. (a summary account probably based on Cochlaeus's letters); Seripando's disapproval, *C.T.*, vol. II, p. 407, l. 12. The Bishop of Bitonto describes the religious colloquy as a "conciliabulo particolare", vol. x, p. 451, l. 30; Verallo's standpoint, *ibid.*, p. 457, l. 16.

the discussion should be informal and that only the results should be put on record. They insisted on a written record being kept of all speeches, on the appointment of a notary belonging to their party, and on the right of keeping their employers fully informed, and this on the basis of the protocols which they demanded the right to inspect. The first two demands were conceded by the presidents, subject to the Emperor's approval, but the protocol remained under lock and key, though without prejudice to the right to report. For the first subject of discussion the Emperor had designated the article on justification. The basis of the discussion was the *Book of Ratisbon*. There could be no question of a fruitful conference. Between 5 and 7 February, Malvenda and Billick dictated their views to the notaries on behalf of the Catholics while Bucer did so for the Protestants. For the space of three days an attempt was made to proceed by means of a free exchange of opinion, but on 23 February a return was made to the old, ponderous method which precluded every possibility of bringing the two stand-points closer together. On the following day the Emperor's *Proposition* reached the city. It meant the end of the colloquium. Each one of the Protestants' three demands was rejected. The Protestants justly resented this blunt decision as a provocation; on the other hand it also deprived them of the possibility of using the acts for purposes of propaganda, as had been their intention. On 10 March they broke off negotiations. On 20 March the Saxons vanished with the utmost secrecy; Bucer followed them a little later. A worse failure could hardly have been imagined, but in spite of it Philip of Hesse and Bucer were anxious to continue the conference, but the men of Wittenberg who had never expected anything to come out of the colloquium, refused to go on no less firmly than the Catholic collocutors and Nuncio Verallo.

We may ask, "Was this second conference of Ratisbon after all no more than a farce?" For the Catholics it was an understood thing that it was not for them to pronounce judgment in controversial matters—to do so was the concern of the Council—while the Protestants asked with justifiable mistrust what political motives lay behind the colloquium. The two theological fronts faced each other in a stiff and even hostile attitude which could at any moment turn into military fronts. The mentality of the Spaniard Malvenda and his powerful backer, the imperial confessor, Pedro Soto, differed greatly from that of Contarini and Gropper who had impressed upon the colloquium of 1541 the stamp of their personality. But the Bucer of 1546 was likewise no

longer the Bucer of the *Book of Ratisbon*. The last pre-Tridentine meeting of Catholic and Protestant divines held no promise of a *rapprochement*, but when one remembers the Emperor's complex mentality one hesitates to describe it as a farce. In the monarch's mind it was undoubtedly a supreme call for a halt, while it must be admitted that it already sounded a threatening note.

As was to be expected, the Council made no attempt to intervene in the colloquium, but for all that an unofficial and exceedingly thin line of communication stretched between Trent and Ratisbon. On 20 February 1546, a Conventual of the name of Melchior Flavius, a native of Toulouse, presented himself at Ratisbon. He had been appointed by the general of his Order, Johann Calvus, visitor of the convents of Upper Germany. He had come from Trent and was the bearer of letters addressed to Bucer and Brenz who invited him to the lodgings of the Hessian theologians on the following day, to enable him to give an informal report about the Council to a small group of persons. The gathering included Bucer, Brenz, Schnepf, Major, the Hessian Pistorius and a few Protestant guests, among them Count Wolrad von Waldeck to whom we owe an account of the curious scene.¹ Flavius presented himself with two companions. To Bucer's question whether he was charged with any kind of mission on the part of the Council he answered that he had nothing in writing, but he recounted how he had seen the Pope and had passed through Trent. The Pope, he alleged, had charged him, in the event of his meeting with learned Protestant divines, to invite them to come to Trent, where not a hair of their heads would be hurt. On his own authority he added: "The German Protestants must surely have a leader. Now, since of the five ancient patriarchal Churches only two survive, and since Rome has been rejected by you, there only remains Constantinople. Are you prepared to go that way?" Flavius further declared that the conciliar legates had charged him to bring their greetings to Bucer and Brenz. On the conciliatory dispositions of the former they (the legates) set great hopes for Germany's return to the Roman Church. Bucer asked Flavius to reciprocate these good wishes on his return to Trent and to inform the legates that if the Council declared itself superior to the Pope, and decreed that bishops must be appointed in accordance with the principles laid down in the first Epistle to Timothy (1 Tim. III, 1 ff.), he would come to Trent.

¹ For the conduct of the Franciscan Melchior Flavius at Ratisbon, according to Count Wolrad von Waldeck's diary, see *A.R.G.*, VIII (1910), pp. 309 f.; for his character Wadding-Sbaralea, VOL. II, pp. 245 f.

Thus far Wolrad's story. There is no reason to doubt its veracity, but there is good reason to suspect that Flavius, even if he had a commission, gave it an interpretation and an extension which neither the Pope nor the Council had intended. In any case nothing came of this non-committal conversation.

While the theologians of both parties faced each other in an atmosphere of depression in the town-hall of Ratisbon, and finally separated without having achieved anything, the Emperor set out from the Netherlands for the Rhine, passing through Maastricht, where he received a deputation of the Protestant Estates. At Speyer, in the last days of March, he met the Landgrave Philip of Hesse, the leading political head of the League of Schmalkalden. The conversations between the Emperor and the Landgrave were remarkable for their informality. We can only regard them as a supreme effort on the monarch's part to ascertain Philip of Hesse's attitude before the final break.¹ They covered the whole of the political scene, the Council occupying the central position. Fully aware as he was that the guarantee of "peace and justice" given to the Protestants at Speyer in 1544 would only hold good up to the time of the Council, Philip spoke of his fear that the Council of Trent was "no more than a partisan Council called by the Pope with a view to a speedy decision to invoke the secular arm and to continue with the execution" ("ein sollich partiisch concilium vom pabst vorgenommen, eilend zu schliessen und brachium saeculare anzurufen und mit der execution fortzufahren"). He refused to recognise the Council and obstinately stuck to the formula of "a free Christian Council in the German nation" ("ein frei christlich concili in teutscher Nation zu halten") to which "seculars", that is, laymen, would be admitted. The oath by which the bishops assembled at Trent were said to have bound themselves to the Pope would have for its consequence that "they would not speak or decree anything but what pleased the Pope" ("nix wurden reden oder decernieren dan das dem pabst gefällig"). A reform of the Church by them was out of the question. Against this the Emperor urged that the reform of the Church was precisely the chief task of the Council for which he himself had striven for years and which had at last come together. There was no intention whatever to execute the decrees with excessive haste and

¹ The conference between Charles V and Philip of Hesse on 28 March, at Speyer, according to the protocol, in A. von Druffel, *Briefe und Akten zur Geschichte des 16 Jahrhunderts*, vol. III (Munich 1882), pp. 1-9; negotiations with Granvella, *ibid.*, pp. 10 ff.

on that account to take action against the Protestants. That he regarded the Council of Trent as the one that had been promised was not left in doubt. The soothing clause with regard to the execution of the decrees did not mean that they would not be carried into effect. At a later stage of the conferences, when Philip put in a plea on behalf of Hermann von Wied, the fundamental divergence of convictions found expression in the Emperor's remark: "The reform does not mean embracing a new faith" ("reformieren heisst nit ein neuen glauben annemen"). In a conversation with Granvella, on 29 March, Philip, among other things, reverted to the plan of a national assembly, that is, a national Council by which reunion would be more easily achieved than by a general one. Granvella replied that according to Catholic principles such an assembly might indeed introduce reforms, but it could never establish rules of faith—there can only be one faith for all. Thus both the Emperor and his chancellor stood firmly by the Council of Trent while Philip rejected it no less decisively.

On 10 April 1546 the Emperor made his entry into Ratisbon where the Diet should have been opened as early as 15 March.¹ Only two bishops were present at his arrival. In the course of the month of May a few Catholic princes also arrived but not a single member of the League of Schmalkalden. The *Proposition* with which the Diet was at last opened on 5 June left the initiative in the religious question to the Estates. Its conciliatory tone was meant to deceive the opponents for by this time the Emperor was irrevocably resolved to go to war. On 9 June he wrote to his sister Maria of Hungary: "My efforts while I was on the way, as well as the colloquium of Ratisbon, have proved a failure. The Electors and princes who have seceded are determined not to attend the Diet in their own persons. On the contrary, they are resolved to rise as soon as the Diet is over, to destroy the spiritual princes and to proceed against the King of the Romans and myself. If I were to wait, all would be lost." "The moment is favourable, for their wars and their preparations for war have weakened them." "If we did not strike now all the Estates of Germany would be in danger of falling away from the faith, and so would the Low Countries. After weighing all this again and again I have decided to go to war against

¹ Diet of Ratisbon of 1546: Verallo's report in *N.B.*, I, VOL. IX, pp. 62 ff.; the Emperor's letter to Queen Maria dated 9 June, in Lanz, *Korrespondenz des Kaisers Karl V*, VOL. II (Leipzig 1845), pp. 486-91; the German extract, Brandi, *Karl V*, pp. 470 f. (Eng. edn., p. 547). For the course of the Diet, Heidrich, *Karl V und die deutschen Protestanten*, VOL. II, pp. 111-53; further literature, Schottenloher, nos. 28097 ff., 28644 ff.

Hesse and Saxony as the disturbers of the peace. . . . And although this pretext will not deceive anyone for any length of time about the fact that it is a question of religion, it will at least help to divide those who have seceded."

The decision was for war. What now happened at the Diet—the acceptance of the Council by the Catholic Estates on 12 June, its rejection by the Protestants on the following day—was only a façade; behind the scenes the Emperor was drawing together the meshes of the net in which he hoped to catch the men of Schmalkalden. Though Bavaria promised no military aid she nevertheless sided with the Emperor; Protestant Brandenburg remained neutral and an alliance was successfully negotiated with Duke Maurice of Saxony.

The Emperor was particularly anxious to win over as a confederate this youthful, ambitious prince who, though a Protestant, was not a member of the League of Schmalkalden. As a confederate Maurice constituted a military threat from the rear for his bitterly hated cousin, the Elector John Frederick of Saxony, and he was no less welcome because, as a Protestant, he would lend credibility to the Emperor's official war aim, which was said to be the subjection of rebels within the empire, not the suppression of Protestantism. The chief difficulty was the Duke's attitude to the Council of Trent. In the hope of inducing him to submit to it and so to make him a suitable confederate Granvella, in his negotiations with the Saxon councillors at the beginning of June, represented the Council not only as the fulfilment of the Emperor's promise of such an assembly but as a direct instrument of imperial policy.¹ The Emperor and his brother would see to it that it should be "a Christian, free and righteous Council" ("ein christlich, frei und rechtschaffen concilium"), that its members would proceed slowly and above all that there would be nothing precipitate in the way of dogmatic definition. He even went so far as to assert that at Trent the Pope was not a judge but was subject to the decisions of the Council "like everybody else". He did not seem interested in the immediate despatch of Saxon envoys, his only concern was the acceptance, in principle, of the Council, and this much he obtained. On 5 June the Saxon councillors made the following declaration: "If the Emperor

¹ The negotiations with Maurice of Saxony in E. Brandenburg, *Politische Korrespondenz des Herzogs und Kurfürsten Moritz von Sachsen*, vol. II (Leipzig 904), pp. 617-24; text of agreement, p. 662; cf. E. Brandenburg, "Der Regensburger Vertrag zwischen den Habsburgern und Herzog Moritz von Sachsen", *H.Z.*, LXXX (1898), pp. 1-42; Ferdinand's remarks about the Council in the report of Councillor Carlowitz 17 May 1545, in Brandenburg, *Polit. Korr.*, vol. II, pp. 268 f.

sees to it that the Council proceeds in the manner described, the Duke will not refuse to submit to it. Through his envoys he will assure himself that controversies are decided in accordance with Holy Writ (*iuxta sacram evangelicam Scripturam*) and Canon Law (*rite ac canonice*) and that decrees for Church reform are also issued." The final text of the agreement, dated 19 June 1546, dealt with Granvella's assurance in respect of the Council (*quod in eo omnia legitime procedant*), as a prerequisite, though not as a formal condition of the Duke's two promises, namely that he would submit to it in principle and, at a later date, would send representatives to Trent.

The negotiations for an alliance with Maurice of Saxony make it perfectly plain that the Emperor's conciliar policy was necessarily double-faced: the face turned to the German Estates was that of the guarantor of the independence and legitimacy of the Council, here seen as an essential part of the great plan; the consequence of which was that the other face, the one turned to the Tridentine conciliar legates, was bound to appear to the latter as a tyrant's mask. When Granvella discoursed about the Council's independence, that expression meant something very different from what the legates understood by it. Actually in May 1545, even King Ferdinand, in conversation with the Saxon councillor Carlowitz, had expressed the opinion that "as soon as the Council opens the Pope's authority will come to an end and he will be subject to the Council" ("sobald der anfang des concilii gemacht, des papsts gewalt aufhören und dem concilio unterworfen sein werde"). The affair of the reform, which the Council was to take in hand, was a general concern and did not exclude, but included the Protestants, for there was no lack of people in other countries who were anxious to see the failings of the Church corrected and whom fear would not silence at the Council, but who would speak their minds openly. We have seen that Ferdinand was not mistaken when he spoke thus: what is significant is the ambivalence of the term "reform".

The confederates of Schmalkalden were aware of their peril, but it took a long time before they roused themselves to take energetic counter-measures. To the Elector of Cologne, Hermann von Wied, who had become a Protestant, and who was hard pressed but not dislodged, they gave only moral support. At their Diet at Frankfurt (16 December 1545 to 8 February 1546), they associated themselves with Hermann's appeal to a free, Christian Council but did not dare to offer military assistance. Count Palatine Frederick II, who had recently received

Communion in both kinds, was refused admission into the confederation and much time was wasted in petty financial disputes. Even in the next Diet, at Worms, from 12 to 22 April 1546, the Landgrave Philip of Hesse—the only one to see the danger clearly—failed to persuade them to make large-scale preparations. He complained bitterly of the Protestants' pusillanimity and unwillingness to make sacrifices. No outside help could be hoped for. They had diplomatic contacts with France and England, but at the moment these two countries were still at war with one another. The Strasbourg agents, Johann Sturm and Johann Sleidan, collaborated with Cardinal du Bellay's entourage who favoured the Protestants and were hostile to the Council, but all they got from them was fair words. In the course of conversation with the English agent Mundt, Philip of Hesse ascertained that their antagonism to the Council of Trent was mutual but no military help could be hoped for from England. Moreover, in France Nuncio Dandino, who had been despatched to that country in the summer of 1546, acted as a screen for the alliance between the Pope and the Emperor which had been concluded in the meantime.¹

The men of Schmalkalden took a much more lively interest in the Council than in warlike preparations. At the Diet of Worms they had refused to send representatives to Trent and this standpoint they maintained even when, against every expectation, it had actually materialised and had been inaugurated. After that the idea of the Council proved its strength in spite of its having been battered and knocked about by prolonged controversy, so much so indeed that the Protestants saw themselves compelled to justify their negative attitude before public opinion and to protect themselves against the expected execution of the conciliar decrees by imperial authority, by furnishing proof that the assembly at Trent was not the "free, Christian Council in German lands" they had demanded and which the Emperor had promised them. About the rejection of the Council they were all of one mind, but they were unable to agree about the grounds for such an

¹ The conciliar policy of Schmalkalden in 1545-6 according to *Pol. Corr. Strassburg*, VOL. III, pp. 697 ff.; VOL. IV, PT I, pp. 6-24 (*Bundestag* of Frankfurt); instructions for the *Bundestag* of Worms, VOL. IV, PT I, pp. 52-69. Philip of Hesse's complaint of the Protestant's pusillanimity in Lenz, *Briefwechsel*, VOL. II, p. 437. Negotiations with France, *Pol. Corr. Strassburg*, VOL. IV, PT I, 3, pp. 74 ff., 96, 105 f.; Philip of Hesse's conference with the English agent Mundt, *ibid.*, p. 49. Dandino's reports from the French court, *N.B.I.*, VOL. IX, pp. 120 ff., 171, n. 2. A. Hasenclever, "Neue Aktenstücke zur Friedensvermittlung der Schmalkaldener zwischen Frankreich und England im Jahre 1545", *Zeitschrift für die Geschichte des Oberrheins*, LIX (1905), pp. 224-51.

attitude. The ideas of the men of Wittenberg differed widely from those held in Hesse, Strasbourg and Tübingen.

Luther was still alive at Wittenberg. In the last days of March 1545, his last big book *Wider das Papsttum* had been his riposte to the convocation of the Council of Trent. On 21 March he wrote to Philip of Hesse that its aim was "to show to all who had rejoiced at the false report of his death whether he was dead or alive".¹ Now as before, he refused to believe that the Pope really wanted a Council: "The Pope is deceiving both Emperor and empire with the Council", he wrote, "for in Rome they will not put up with a Council for all eternity" (2 May 1545). On 7 May 1545, he wrote: "Like unripe barley they will let the Council stand in the halm. They only make arrangements for it so as to be able to say: 'The Protestants listen neither to Pope nor Church, Emperor nor empire, nor to the Council which they have so often demanded'" (9 July 1546). There could be no question of his submitting to such a Council: "this might have been done a quarter of a century ago"! First reports from Trent which, in point of fact, were not particularly encouraging, only drew sarcastic remarks from him. A news-sheet which among other things contained a list of those present at the Council was described by him as "Rome-Mainz twaddle" ("Römisch-mainzisches Gewäsch"). When he heard that the proctor of the Archbishop of Mainz had set out for Trent he observed: "The monster (Cardinal Albrecht of Mainz) is making game of us and of the Pope" (16 July 1545). When a few weeks before his death he heard the news of the opening of the Council he observed: "The remedy comes too late, it will not achieve its purpose" (29 January 1546). For all that he had a feeling that the struggle was now beginning in good earnest: "Arise, Lord, and scatter thy enemies, Amen, Amen, Amen", was one of his last utterances about the Council. A few days before his death at Eisleben he requested his companion Justus Jonas to pray for the affairs of the evangelical Church "for the Council of Trent and

¹ Comments of Luther on the Council 1545-6 from Luther's works, *W. A. Briefwechsel*, VOL. XI (Weimar 1948); no. 4085 to Philip of Hesse, 31 March 1545 (p. 58); no. 4099 to Albrecht of Prussia, 2 May 1545 (p. 83); no. 4103 to John Frederick of Saxony, 7 May 1545 (p. 88); no. 4132 to Nicholas Amsdorf, 9 July 1545 (pp. 131 f.); no. 4136 to Justus Jonas, 16 July 1545 (p. 142); no. 4193 to George of Anhalt, 29 January 1546 (p. 273). The letters quoted are also in E. Enders, *Martin Luthers Briefwechsel*, VOL. XVI (Leipzig 1915) and VOL. XVII (Leipzig 1920). The pamphlet "Wider das Papsttum zu Rom vom Teufel gestiftet", in *Luthers Werke*, VOL. LIV (Weimar 1928), pp. 195-299; the Latin translation arranged for by Jonas appeared in two editions in that same year 1545, so that those Fathers who knew no German could easily take cognisance of it. On the whole subject see also R. Stupperich, "Die Reformatoren und das Tridentinum", *A.R.G.*, XLVII (1956), pp. 20-63.

the Pope are very angry with it" ("denn das concilium zu Trient und der Bapst sind seer zornig auff ihne").

It is strange that Luther's death on 18 February 1546 only became known at Trent a month later and that scarcely any notice was taken of the event. As usual a dreadful end was ascribed to the adversary.¹ On 14 March De' Nobili wrote to Lucca that it was reported that Luther had been poisoned by his followers to prevent him from revoking his own teaching which had been tampered with by them. On 20 March the legates, who were already in possession of a pamphlet on Luther's death, reported that he had died at three o'clock in the night of 17 to 18 February, drinking and joking up to the last moment. Cardinal Otto of Augsburg, though not as yet quite sure of the fact, expressed his regret that he had not repented before his death, or else that he had not been taken to Trent, to be burnt at the stake as a heretic—a fate he had so richly deserved. Massarelli confided this prayer to his diary: "Would to God all men of his stamp either listened to reason or were promptly removed from hence."

Luther's death had no bearing either on the course of the Council or on the march of events in Germany. The schism had long ago ceased to be the affair of one man; by this time it was the concern of the Estates of the Empire and of the whole nation. None the less the after-effects of his basic attitude to the Council made themselves felt in that of the theologians of Wittenberg and in the policy of the Elector of Saxony. The men of Wittenberg regarded every attempt to fight the Council on the basis of Canon Law, and still more every effort to influence its course, as a mistake since the whole thing was merely a piece of bluff. Better let things run their course and wait and see whether an attempt would be made to execute its decrees by imperial

¹ Comments at Trent on Luther's death, *C.T.*, VOL. X, pp. 423, l. 29 and *n.* 5; 417, l. 11; VOL. I, p. 518, l. 7. Verallo only informed the legates of Luther's death on 25 March, *N.B.* I, VOL. VIII, p. 585. The remarks of the legates seem to show that they were in possession of publications which appeared at Ratisbon a few days after Luther's death under the title "Drey Schriften von des eerwirdigen Herren Doctor Martin Luthers Christlichem Abschied und Sterben". One of these, viz. a letter of Wolfgang Roth, written at Eisleben on 19 February, states that during his last days Luther had been in high spirits at nearly every meal. The hour of his death (between 2 and 3) indicated in the letter agrees with the one given in the legates' report. J. Strieder, *Authentische Berichte über Luthers letzte Lebensstunden* (Bonn 1912), pp. 12 ff. On 21 March, Cochlaeus forwarded "Historiam de obitu Lutheri, quam ex teuthonico transtulit amanuesis meus, excerptam ex epistola d. Jonae, quam mox post excessum Lutheri scripsit ad electorem Saxoniae", *Z.K.G.*, XVIII (1898), p. 607; cf. N. Paulus, *Luthers Lebensende* (Freiburg 1898), pp. 56 ff.; Grisar, *Luther*, VOL. III, pp. 851 ff. (Eng. edn., pp. 376 ff.).

authority. The Council's condemnation of Protestant teaching would not harm those who adhered to it; it would only strip that assembly of all authority, hence the aim of any justification of their attitude must be to defend their own theological standpoint against the conciliar definitions that were to be expected. They did not deem it advisable to have recourse to arguments from Canon Law for the purpose of contesting the legitimacy of the Tridentine gathering since there was no denying that Canon Law did assign to the Pope and to the bishops the right to issue decisions in all matters of faith, so that arguments from such a source would be of little help against Trent.¹ The decrees of the fourth Session which were disseminated by means of a pamphlet confirmed them in their opinion.

The political leader of the Protestant divines, Martin Bucer, took a very different view of anti-conciliar propaganda.² They would only do the Catholics a service by attacking their teaching, which the world does not understand and which would always retain "some sophistry and false glitter". It would be much more profitable to attack "the real abuses", that is, to furnish proof that the Catholic Church was contravening her own ancient law. At Ratisbon Bucer opposed the Bishop of Eichstätt, saying that on a number of points the ancient Church of the early centuries stood on the side of the Protestants, for instance on the question of Communion in both kinds. Where attack promised to be most successful, he imagined, was the wide field of ecclesiastical discipline and on that battlefield there was a prospect of finding allies beyond the boundaries of Germany and even at the Council itself. His rejection of Trent was no less decisive than that of the rest. He regarded it as a "joke" because there was no will to reform on the papal side. On the other hand a merely negative attitude led nowhere; positive proposals must be made and by this means allies must be won.

¹ The Wittenberg memorial on the Council, 14 January 1545, in *Corp. Ref.*, VOL. V, pp. 644-7; Melanchthon's statements, which show that he did not think the Council would materialise, *ibid.*, pp. 835, 888, 892. The Elector John Frederick of Saxony to Philip of Hesse, 11 April 1545, in Lenz, *Briefwechsel*, VOL. II, pp. 337 ff. The pamphlet on the decrees of *Sessio* IV (described as *Sessio* III, because the opening Session was not counted) which we shall have to discuss later on, was sent by Melanchthon to Konrad Heresbach on 31 May 1546, and to Veit Dietrich on 21 June, *Corp. Ref.*, VOL. VI, pp. 148, 177; see also Stupperich, *Die Reformatoren*, pp. 38 f.

² Bucer's attitude to the rejection of the Council, on the basis of his letters of 4 April and 24 December 1545, Lenz, *Briefwechsel*, VOL. II, pp. 321 ff.; letters of 18 January and 15 March 1546, *ibid.*, pp. 389 ff., 406 ff. Philip's proposal to send an agent to Trent made in his letter to the councillors at Frankfurt, dated 11 January 1546, is printed in Chr. H. Neudecker, *Merkwürdige Aktenstücke aus dem Zeitalter der Reformation* (Nuremberg 1838), p. 651. For Bucer's epistle *Ad patres in synodo Tridentina* (1546) cf. Stupperich, *Die Reformatoren*, pp. 45 f.

The Protestants should let it be known that they were ready to account for their reformation and to confer with learned and trusty men from Germany and other countries about a "common reformation". Thus in Bucer's opinion the affair of the reform, in which everybody was concerned, was to be played off against the Papacy. If necessary they might even repair to Trent to explain the Protestant standpoint though, of course, there would be no question of submitting to the judgment of the Council. Bucer's train of thought coincided with a suggestion of Philip of Hesse to the effect that they should send an agent to Trent to represent to the Council the "pressure" under which the Protestant Estates laboured.

Anyone acquainted with the inner history of the Council is bound to concede that Bucer saw some real chances for the Protestants, but the men of Wittenberg had a better appreciation of the situation. The divergence between the two standpoints was the occasion for the appearance in the summer of 1546 of two publications for the purpose of justifying the German Protestants' attitude to the Council of Trent. The *Recusationsschrift* (Rejection)¹ was a compendium of memorials drawn up by jurists and theologians of Strasbourg and Tübingen put together by the city advocate of Frankfurt, Hieronymus Lamb. It was read at the Diet of the confederates at Frankfurt on 22 January 1546. It underwent more than one revision in the sequel. Its object was to prove, on the basis of juridical arguments, that the Council of Trent could not be regarded as the "free, Christian Council in German lands" which the Protestants had been promised. The arguments produced were not new. They were the following: The Council should have been convened by the Emperor, not by the Pope whose right of convoking it, even if it were acknowledged, had devolved on the former.

¹ The origin of the Protestant manifesto rejecting the Council in the year 1546 must be traced back to the time of the Diet of Worms when Jacob Sturm and Schwencker urged the Council of Strasbourg to obtain memorials from the jurists with a view to a document of this kind, *Pol. Corr. Strasburg*, VOL. III, pp. 586 f. (29 April 1545); cf. also *Corp Ref.*, VOL. V, p. 732 (Philip of Hesse to John Frederick of Saxony, 16 April 1545). On 30 May the Strasbourg Council despatched four jurists' memorials, as well as a theological one, to Worms, *Pol. Corr. Strasburg*, VOL. III, p. 600. After the conclusion of the religious conference of Ratisbon the men of Schmalkalden shifted their ground with regard to the Council. Work was only resumed at the "Bundestag" of Frankfurt with the help of memorials supplied by the jurists of Tübingen, *Pol. Corr. Strasburg*, VOL. IV, PT I, p. 20. For the summary by Lamb, *ibid.*, VOL. III, pp. 704, 708. However months went by before it was completed, *ibid.*, VOL. IV, PT I, pp. 62-5. On 24 May 1546 the Hessian councillors wrote to the Landgrave that the manifesto was not yet ready, Heidrich, VOL. II, p. 118. I quote the text after F. Walch, *Martin Luthers sämtliche Schriften*, VOL. XVII (Halle 1745), pp. 1152-89; also in F. Hortleder, *Von den Ursachen des Deutschen Krieges Kaiser Karls V* (Gotha 1645), pp. 622-35.

Trent was not a city of the German nation. The Council was not free since it was presided over by the Pope to whom the assembled bishops were bound by oath while the laity were excluded. It could not be called a Christian Council because controversies were not decided on the sole basis of the word of God. No one in the whole world was less qualified to reform the Church than the Tridentine prelates who take advantage of "a religion outwardly fair but exclusively based on ceremonies and idolatrous practices", for the sole purpose of strengthening their own authority and that of the Pope.

This process of reasoning led to the conclusion that the Council of Trent could not be called "a general, free and Christian Council and in view of the Recesses of the Diets referred to, as well as the promises made in the past, it was unsatisfactory and not worthy to be called a Council". Their conscience forbade Protestants to submit to it; they would, however, be prepared to send their envoys to a general, free, Christian, impartial Council in the German nation convoked by the Emperor and in a suitable locality, at which controversies would be decided by godly, learned and impartial men, in accordance with the Holy Scriptures and the trustworthy witness of the ancient, true and apostolic Church. The Tridentine decrees they declare in advance to be null and void and lodge their protest against them.

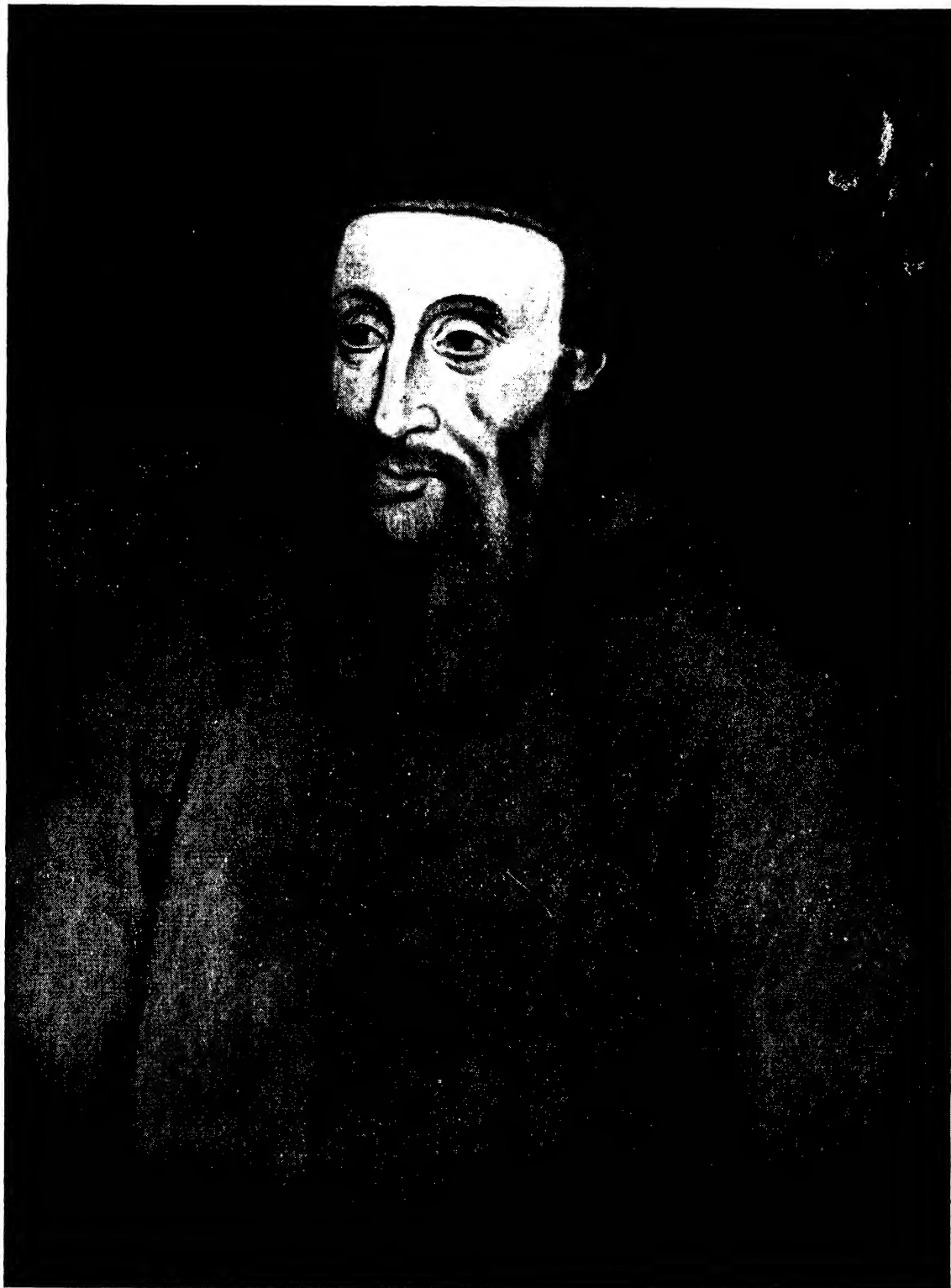
The other apologia, which was inspired by the ideas of the men of Wittenberg, was entitled: "Ursachen, warum die Stände, so der Augspurgischen Confession anhangen, Christliche Lehre erstlich angenommen und endlich dabey zu verharren gedenken, auch warum das vermeynte Tridentinische Concilium weder zu besuchen, noch darein zu willigen sey." That is: "Reasons why the Estates adhering to the Confession of Augsburg have first accepted Christian teaching and intend always to persevere therein, and why the alleged Council of Trent should not be attended nor submitted to."¹ According to its

¹ Melanchthon's "Causes" are connected with the latter's information for the Duke of Anhalt, dated 3 June 1546: "Fui aliquandiu occupatus in scribenda recusatione synodi Tridentinae, de qua tamen non multa dixi, sed causas recitavi, quare omnes debeant amplecti hoc doctrinae genus, quod profitemur", *Corp. Ref.*, VOL. VI, p. 170. On 22 July Melanchthon sent the finished book to Seidemann. He says of it that "magis ad consolandos pios scriptus est quam ut de Tridentina synodo multa disputet", *ibid.*, p. 204. German text in *Melanchthons Werke in Auswahl*, edited by R. Stupperich, VOL. I (Gütersloh 1951), pp. 411-48; also in Hortleder, *Ursachen*, pp. 608-22, and Walch, *Martin Luthers sämtliche Schriften*, VOL. XVII, pp. 1112-52.—I may observe in this place that the story of the antecedents of the Protestant rejection of the Council is still in urgent need of clarification in the light of the archives which have been explored by E. Bizer for many years. Only when these researches are completed will it be possible to pronounce a definitive judgment in this respect.

author, Melanchthon, the work was not to be so much an attack on the Council of Trent as a defence of the Lutheran teaching. It had been necessary to break with the Papacy because the papal Church had forsaken the genuine teaching of the gospel as clearly found in the Bible. Their own teaching as contained in the *Confessio Augustana*, agreed with the three ancient creeds and with "the godly writers who wrote soon after the apostolic era", hence it was not a new teaching but the genuine Catholic doctrine. It may not be suppressed "under pretext of a sham Council" which appeals to novel customs and decrees, by bishops "who know as much of the divine doctrine as the asses on which they ride", who are the slaves of their belly and of their pleasures. At this point the apologia enters upon heavy polemics. The Protestants would only appear before "a genuine ecclesiastical tribunal" composed of adherents of the truth. If they presented themselves before the Tridentine judges they would share the fate of the unhappy Diaz.

This allusion demands an explanation.¹ On 27 March 1546, at Neuburg, on the Danube, the Spaniard Juan Diaz was murdered in cruel fashion at the instigation of his own brother, Alfonso Diaz, a priest, because in spite of the latter's efforts and threats he stuck to his Protestant faith. As was to be expected this action of a fanatic, which nothing could justify, gave rise to enormous excitement in the Protestant camp, all the more so as certain indications suggested that the instigators of the crime were to be looked for among highly placed persons. When Alfonso was arrested at Innsbruck, a few days after the crime, letters were found on him from Cardinal Pacheco and from the promoter of the Council, Severoli. Cardinal Madruzzo came under suspicion because, in strict accordance with Canon Law, he had insisted on this ecclesiastical criminal being handed over to the ecclesiastical authority. In compliance with an imperial injunction which arrived at Innsbruck on 14 April, the opening of the proceedings was put off until the arrival of the territorial sovereign, King Ferdinand. Diaz himself studiously created the impression that he enjoyed powerful protection and did his best to exploit his connections for his own benefit. All the indications pointed to the fact that the Neuburg

¹ Of the vast amount of literature on the Diaz case only the following are mentioned: F. Roth, "Zur Verhaftung und zu dem Prozess des Doktor Alphonso Diaz", *A.R.G.*, VIII (1910), pp. 413-38; Farnese's letter of recommendation of 26 September, *ibid.*, pp. 439 f.; summary in F. Roth, *Augsburgs Reformationsgeschichte*, VOL. III (Munich 1907), pp. 339 f. The "Narratio Melanchthonis de Diasio", *Corp. Ref.*, VOL. VI, pp. 112-14: Verallo's report of the incident, 3 April, *N.B.* I, VOL. VIII, pp. 598 f.



REGINALD POLE

*After a portrait by an unknown artist in the National Portrait Gallery,
London*

murder was planned as a warning and that Diaz had only been a tool. The question was, were those who engineered the crime to be looked for at Trent? "In view of such a crime, the Fathers of the Tridentine Council should be driven all together into a barn and set on fire with pitch and sulphur", wrote Hörmann, the Innsbruck correspondent of the Fuggers.

In point of fact there is not the slightest evidence that the murder was instigated by Trent, either by Madruzzo or by any other member of the Council; even Cardinal Farnese's pleading on behalf of the criminal—however ill-judged it may have been—is no proof. That the murderer got off with his life he owed in no small measure to the outbreak of the war against the Protestants.

Protestant propaganda had lost no time in making the most of the incident by means of pamphlets which purported to show what was to be expected from the Catholics. The incident came also most opportunely for Melanchthon's campaign against the Council, though he never went so far as to make the untenable accusation that the authors of the crime were to be looked for at Trent.

Before giving the signal for the war with his declaration on 16 June 1546, that he saw himself compelled to make use of force against rebellious princes, namely the Elector of Saxony and Duke Philip of Hesse, the Emperor brought his diplomatic preparations to a close by finally clinching his alliance with the Pope. Negotiations about conditions had gone on throughout the previous year, but in spite of repeated missions to the imperial court of the secretary of the Spanish embassy in Rome, Marquina, and of the extraordinary nuncio, Dandino, no agreement had been reached. The ordinary nuncio, Verallo, and even more so the imperial confessor, Pedro Soto, had been tireless in pressing the Emperor for his signature—he had put it off until his arrival at Ratisbon. There he at last gave in. Two weeks later the alliance was also signed by the Pope and thus became a reality.

Cardinal Madruzzo acted as an intermediary in the exchange of signatures. In answer to a summons from the Emperor he had left Trent on 12 May. On his arrival at Ratisbon, 21 May, he succeeded, with Soto's aid, in thwarting a plan broached at the last moment by Granvella, by the terms of which it would not have been the rejection of the Council of Trent but the rejection of an imperial reform that would have been the pretext for the warlike action against the Protestants. On 7 June the Emperor put his signature to the agreement in the presence of Verallo. With this document in his possession, as well as

some instructions dated 11 June, in which the Emperor expressed some additional requests, Madruzzo made haste to return to Rome without stopping at Trent, where he had arrived on 14 June. On 22 June the Sacred College gave its assent to the contract, in accordance with the express wish of the Emperor. The opposition of the French party, and above all that of Cardinal Carafa, was unable to alter the result. The Pope signed the document on 26 June. On 4 July, in the course of a solemn function in the church of Aracoeli, the papal nephews Alessandro and Ottavio Farnese received respectively the legate's cross and a commander's baton; they then set out on their northward journey to the localities around Bologna where the papal troops were assembling.¹

In the last days of June the conciliar legates were informed by Verallo, and soon afterwards by Rome itself, of the headlong course of events: "Things are on the move", was the tenor of Verallo's despatch of 22 June. "The city bristles with weapons", Maffeo exclaimed a little later as he watched the preparations in Rome for the papal expeditionary force. The settlement of the great religious and political differences by force of arms was at hand. War had come. Was it possible, in these circumstances, for the Council to proceed with its task? Had not the time come for removing the assembly far from the theatre of war into the interior of Italy, in accordance with the long-felt wish of many of its members, including the legates and, in his heart of hearts, even the Pope himself?

The prospect of an army, including the Spaniards, who continued to inspire terror by reason of their share in the Sack of Rome, and which would pass through Trent on its way to the north, prompted the legates, in their report of 25 June, to suggest a pause in the negotiations during which the bishops and they themselves would leave the city in

¹ Conclusion of the alliance between Pope and Emperor in June 1546: G. Buschbell, "Die Sendungen des Pedro de Marquina an den Hof Karls V im Sept./Dez. 1545, und Sept. 1546, nebst seinen Instruktionen und seinem Discurso", *Spanische Forschungen der Görres-Gesellschaft*, IV (1933), pp. 311-53. The joint work of Verallo, the confessor Pedro Soto and Cardinal Otto of Augsburg, in favour of the "impresa", *N.B.* 1, VOL. VIII, p. 589; VOL. IX, pp. 16, 31, 42, 47 f. The famous memorial of Soto, of whom Verallo says *N.B.* 1, VOL. IX, p. 35: "fa miraculi in questo negocio", in favour of war against the Protestants, in Maurenbrecher, *Karl V und die deutschen Protestanten* (Düsseldorf 1865), appendix 29-33; for his personality see O. Lehnhoff, *Die Beichtväter Karls V* (Göttingen, Phil. Diss. 1932), pp. 65 ff.—Madruzzo's departure for the imperial court, *C.T.*, VOL. I, pp. 547, 554; his stay at Ratisbon from 21 May, *N.B.* 1, VOL. IX, pp. 47, 50 f., 59, 65 ff.; the instructions of 11 June, *C.T.*, VOL. XI, pp. xxxix-xliii. His arrival in Rome and the negotiations there, after *N.B.* 1, VOL. IX, pp. 88 ff.; *C.T.*, VOL. X, pp. 534 f., 898 ff.; VOL. XI, pp. 58 ff. Carafa's opposition to the agreement, VOL. XI, p. 62, l. 21.

order to escape from molestation by the soldiery.¹ Rumours were already afoot of a threat to the Brenner pass by the Protestant Grisons. The legates only betrayed their real aim in a postscript to their report but Cervini did so more openly in a special despatch. The legates' letter was meant to help the Pope to justify in the eyes of the cardinals, and even those of the Emperor, the translation of the Council to Bologna for the duration of the war. Before long they increased their pressure on the Pope by requesting him to release them from their office.

Paul III at once saw through their plan. He refused to believe Cervini was serious when he spoke of his fear of the soldiery; after all, the army was mainly composed of papal soldiers and commanded by papal generals; nor did he believe in a threat to Trent by the Grisons. He was convinced from the first that the legates thought that at last they had discovered a motive for a translation, and he felt equally certain that a translation to Bologna at this moment would tear up the convention with the Emperor even before the ink of the signature was dry. The Pope's answers of 3 and 4 July, in which he stated that there could be no question of a translation of the Council and not even of an interruption of the discussions, must have had the effect of a cold shower upon the legates. "The present moment is utterly inappropriate for any kind of suspension or translation", he wrote; any change in the situation of the Council would jeopardise the whole enterprise against the German Protestants and would give the Emperor just cause to complain that the Pope had not been faithful to the terms of their agreement.

The Pope's plain cool words came as a heavy blow for the legates. They obeyed but broke out into even louder laments over their weariness

¹ Cervini's letters of 26 June, *C.T.*, VOL. x, pp. 540 ff., are more informative about the first plan of a translation than the joint report of the 25th, *ibid.*, pp. 536 f.—On 8 July the legates plainly state that they would take the initiative for such a plan, VOL. x, p. 556. Cardinal Morone regarded Cervini's reasons as "debole scuse", *ibid.*, p. 900, l. 11, and continued to oppose the plan for a translation, VOL. XI, p. 65, n. 2. For the time being the Emperor reckoned rather with plans for a suspension and instructed his ambassadors to cross them, *ibid.*, pp. 59 ff. The Pope's strict prohibition of any change in the status of the Council and Maffeo's explanation on the subject, in VOL. x, p. 548 ff. The latter is important because during Farnese's absence Maffeo's influence was greater than at other times. Bianchetti, Giovanni della Casa's agent, writes on 31 July, (Bibl. Ricci 5, fol. 164): "Il Maffeo governa hora ogni chosa et va ogni di due volte senza che molt' altre è chiamato del Papa, tiene et risponde a tutte le lettere cosi de' stati come de' negotii."—Pole's departure from Trent, *C.T.*, VOL. I, p. 557; the Pope's permission, given on 30 June, only arrived in Trent on 5 July, VOL. x, p. 545, cf. p. 548, n. 4. Pole remained in constant correspondence with the legates and Mendoza called on him on his return from Venice to Trent. The question whether other motives besides considerations of health led to the Cardinal's prolonged absence from Trent will be considered in the next chapter.

of office and reiterated their demand for their recall. "Two-thirds of our strength are spent", they had written as early as 25 June. On 2 July Del Monte wrote that tortured as he was by continual pain, his power of endurance was gradually giving out. On 8 July Cervini reported that the main burden of the work lay on his shoulders; and it was more than he could bear. He never had an hour's peace; in the morning there were the general congregations; when these ended he had to receive the bishops who came to him with their own problems or were invited to his table. All this was quite true. The third legate, Cardinal Pole, had gone on 28 June to take the waters at Treville, near Padua, where a friend of his, Priuli, had a country-house. His doctor had told him that he was running the risk of a stroke. His replacement was not at the moment being considered.

However, the strongest motive for the plan of a translation was not prompted by personal considerations—at least not as far as Cervini was concerned—it arose from a far deeper conviction. The truth was that in his heart of hearts Cervini disapproved of the alliance between Pope and Emperor and of their joint war against the Protestants. It was not only that he thought the military issue was uncertain—his heaviest anxiety was the question what the Emperor would do in the event of his proving victorious. Would he not end by compromising with the Protestants ("qualche impiastro o tolerantia vergognosa") and thereby cheat the Pope of the latter's one and only war aim? In Francophile circles of the Curia, with whom Cervini had close relations, the conviction prevailed that the Emperor's concern was not religion but his authority in the empire. Once this was assured "they (the Protestants) might believe what they liked", but by that time the Papacy would be facing an all-powerful monarch and would be made to feel the truth of the axiom *vince, perde*. To Madruzzo, who had returned from Rome on 4 July and had explained the details of the agreement and the warlike preparations, Cervini was alleged to have observed, in the presence also of Del Monte, "the Pope is not in his right senses; he imagines that he has left the military decision to the Emperor; in reality he has placed the fate of the Church in his hands". At a later date Cervini emphatically denied his ever having made a remark such as this; never would he have spoken so disrespectfully of the Pope, least of all before witnesses. On the other hand, the remark expresses what was actually in his mind. Madruzzo hastened to pass on his impressions to the imperial court, thereby causing the explosion which before long rendered the atmosphere of Trent even more stormy than it was. The

despatch of the papal nephew Farnese to the imperial court likewise caused the legates keen anxiety. What they feared was that under the influence of the court Farnese would prove more open to persuasion with regard to the Emperor's thesis of the postponement of the dogmatic discussions than was agreeable to themselves. Theirs was no mistaken fear.

However, all these considerations appeared out of date¹ when in mid-July the first reports from the theatre of war reached Trent. They were in the highest degree alarming. The continuation of the Council and even the personal safety of its members seemed to be threatened, not indeed by the passage of friendly troops but by the enemy from the north. On 31 July it became known in the city that the Duke of Württemberg with 25,000 men had occupied the defile of Ehrenberg and was pressing on towards Innsbruck so as to cut off the road by which the papal army was to march into Upper Germany. On the following day the imperialists spread a report to the effect that Castelalto, King Ferdinand's commander, was offering a successful resistance at the head of an army of 14,000 men. However, the first report had done its work among the prelates and had started a panic. At the general congregation of 15 July three archbishops declared that they felt incapable of applying themselves to the work of the Council while they were in danger of their lives. The legates were asked: "Must we wait till the roads of escape are cut off?" The most cautious among the prelates were already making sure of a speedy means of escape.

It was easy enough for Madruzzo to poke fun at "these clerical poltroons" ("conigli di prete") who were frightened by their own shadow. Fear of the Protestant mercenaries was a fact, nor was it wholly groundless, for reports of the outrageous treatment of the Franciscans of Füssen by the mercenaries of the confederates of Schmalkalden had reached Trent. Madruzzo did his best to prevent a panic.

¹ Cervini's sceptical remarks about the alliance between Pope and Emperor, and on the prospects of the war against the Protestants in *C.T.*, vol. x, pp. 514, l. 8; 554, l. 14; 556, l. 5. The kernel of the conversation between Cervini, Del Monte and Madruzzo, on which Gianbattista Cervini reports, *ibid.*, pp. 904 f., I regard as historical even if, as the cardinal protested, *ibid.*, p. 637, l. 30, the words to which exception was taken were not uttered, for Cervini was always a declared opponent of the alliance and of the imperial policy. He shared the views of the French party at the Curia which Bianchetti describes thus in a letter to Della Casa, 3 July 1546: "L'Imperatore non mira alla religione, ma all'obediencia d'Allemagna, et credano poi a lor modo, la qual obediencia ritorna in danno et pregiudica a tutti gli altri principi, specialmente questa sede ne resta oppressa et battuta tanto che facciamo al vinci perde", Bibl. Ricci 5, fol. 154^r.

A boatman of Trent who kept a boat in readiness on the banks of the Adige for the Archbishop of Corfu was bluntly told to go home. On 17 July an imperial message instructed the cardinal to prevent the spontaneous dissolution of the Council by every means in his power. It was no easy task. The farther removed people were from the events the wilder the rumours. At Padua it was said that the Lutherans already stood before Trent, that in fact they had actually captured the city and taken the bishops prisoners. Romolo Cervini asked his brother whether he was not going to seek security at Padua. During these critical days it needed all the authority of the legates to prevent the assembly from scattering in every direction. This authority they were expressly ordered to exert by the imperial envoys.¹

What had actually happened the legates learnt from the reports dated 11 July of Cardinal Otto of Augsburg and Nuncio Verallo. Hostilities had been opened not by the Emperor but by the better equipped confederates of Schmalkalden. The Emperor had vainly sought to detach the South-German imperial cities from the confederation. By a bold advance Schertlin von Burtenbach, the leader of the South-German troops of the confederation, sought to seize the Alpine passes so as to cut off his temporarily far weaker opponent from his Italian auxiliaries. On 8 July he had occupied Füssen. The imperial army had been compelled to retreat towards Landsberg and the capture of the defile of Ehrenberg brought him to the gates of the Tyrol. In a proclamation addressed to the Tyrolese Estates he summoned them to bar the passes to the Italian and Spanish troops. He protested that this action was not directed against the Emperor but against Trent where "for over a year certain ungodly cardinals, bishops and priests", instigated by the Pope, had been gathered at a sham Council. There can be no doubt that he counted on the assistance of such Tyrolese as sympathised with Lutheranism while his strategic objective was of course the blocking of the Alpine passes.

¹ The critical days at Trent in mid-July 1546 are described by Massarelli, *C.T.*, VOL. I, pp. 558, ff., and by Severoli, *ibid.*, p. 99. Cf. also the letters in VOL. X, pp. 556 f., 559 f., 563 f. Schertlin's proclamation to the Tyrolese, following his letter to the people of Augsburg, 10 July, in Th. Herberger, *Sebastian Schertlin von Burtenbach und seine an die Stadt Augsburg geschriebenen Briefe* (Augsburg 1852), pp. 92-5. Madruzzo's order of 14 July that Johannes Baptista de Jordanis should be assisted in raising 400 men, State Arch. Trent, *Carte Madr.* 1546; his letters of 13 and 14 July, *C.T.*, VOL. X, p. 557, n. 3; the Emperor's recognition of his attitude, VOL. XI, pp. 62 f. The Emperor formally directed the cardinal to "assegurar y entretener los prelados . . . para que no se partan, en lo qual conviene que tengais mucho la mano, para en ninguna manera aya novedad ny mudanza", State Arch. Trent, *Carte Madr.* 1546.

In his twofold capacity as Bishop of Trent and Brixen and as territorial overlord, Cardinal Madruzzo ordered the immediate manning of the frontier fortresses while he made haste to levy troops. With a view to replenishing his empty coffers he conceived the idea of asking the Pope, with the help of the legates, for the sum of 10,000 scudi, by way of compensation for his expenditure in connection with the Council. His request was flatly rejected. The legate Ranuccio Farnese was proceeding northward in a leisurely manner. Him Madruzzo implored to get the papal troops to march day and night so that they might reach the scene of war in time.

During these critical days Alessandro Farnese had remained at Bologna. On 17 July, from Castel San Giovanni, he despatched his familiar Girolamo da Corregio to Ratisbon for the purpose of notifying the Emperor of his own arrival in the near future and of exhorting the Tridentine legates not to suffer the bishops' pusillanimity to induce them to dissolve the Council.¹ That the Pope was by no means as averse to the idea of a translation as his directives of 4 July to the legates might lead one to imagine, appears from the instructions to his nephew on 24 July. They were to the effect that the Emperor's demand for a temporary postponement of the debate on justification must be resisted, but if he insisted, a translation, which in that case would be inevitable, was preferable to a suspension. The idea of a translation evidently occupied the Pope's mind. On the other hand he did not want a *fait accompli*—such as the legates wished to bring about; on the contrary, the translation was to be the result of negotiations. Armed with these directives Farnese set out for Trent. On 20 July he reached Revere, on the River Po, but when he arrived at Rovereto he was seized by a fever of such violence that fears were entertained for his life. The terrified legates hastened to his bedside on 25 July. The best physicians of the land, Fracastoro and Fregimeliga, were called in. On the twenty-seventh the crisis was over and the danger to life had vanished.

Meanwhile, on 26 July, the papal army under the nominal command of the lay nephew, Ottavio Farnese, who had at his side as the effective military leaders those experienced captains Alessandro Vitello for the infantry and Gianbattista Savelli for the cavalry, had marched through Trent or rather had bypassed it without the Council having been subjected to the slightest molestation. In the meadows of Matarello,

¹ Farnese's illness at Rovereto and the march of the papal army through Trent, *C.T.*, VOL. I, p. 563; VOL. II, p. 387; VOL. X, pp. 567 f., 574 f.; Santa Fiora's instructions of 21 July, *N.B.I.*, VOL. IX, pp. 135 f.

two miles from Trent, the army consisting of 12,000 foot and 800 horse, divided into 59 troops, had been entertained at Madruzzo's expense with bread, wine, roast meat and cheese. Almost all the prelates of the Council attended a banquet given by him to the papal officers. In the afternoon the troops marched past the city walls with flying colours in the direction of Lavisio. They presented a magnificent spectacle. It was fortunate that no one could foresee the future for only a pitifully small number of these men were destined to see their homes again. A large part of the army perished as the result of a bad commissariat, hunger and cold.

In consequence of so much excitement—the outbreak of war, the passage of the papal army, Farnese's illness—work on the decree of justification had suffered a set-back. The draft, which had been circulated on 23 and 24 July, had not yet been debated in a general congregation. However, even if a speedy agreement had been arrived at, the ruling that dogma and reform must be discussed simultaneously would have made it impossible to keep to the date fixed for the next Session, 29 July. The reform decree on the obligation of episcopal residence had not yet been debated, in fact it had not even been drafted. Some of the bishops had indeed handed in lists of impediments—*impedimenta residentiae*—but the military preparations in Rome had delayed an expression of opinion on the subject by the commission of cardinals. It was only on 25 July that the legates came into possession of a document for which they had been praying for such a long time. It consisted of "answers" which were in part the Pope's own work and in part that of the cardinals. A postponement of the Session became necessary; in fact on 27 July, with Farnese's approval, the legates decided to allow the date to lapse without fixing another time-limit. Their purpose in doing so was to ensure complete freedom of action both for the Pope and for themselves. Cervini himself remained by Farnese's sick-bed at Rovereto, convinced as he was that the Council would readily consent to a postponement. But he was mistaken. At the general congregation of 28 July his colleague Del Monte, now deprived of the restraining influence of the cautious Cervini, became involved in a dispute which was destined to be fraught with weighty consequences.¹

¹ Severoli is by far the best source for the course of the stormy general congregations of 28 and 30 July, *C.T.*, VOL. I, pp. 95-101. In the protocol of 28 July, VOL. V, pp. 394-7, for instance, the verbal exchange between the Archbishop of Matera and Pacheco on the Emperor's attitude is passed over in silence, but in the protocol of 30 July, *ibid.*, pp. 398-401, there are details that are missing in Severoli. In the latter's

Del Monte let it be known that in spite of all that had happened the Session would take place. The decree on justification, he explained, had been subjected to a most meticulous examination and its contents agreed with the memorials from Rome to such an extent that the Council could feel convinced they had found the truth. He accordingly proposed that there should be a general congregation early on the following morning at which the decree would be approved. This would be followed at once by the solemn Session, though with a shortened ceremonial. The sermon would be dispensed with and there would be only a Low Mass. This proposal, couched though it was in the form of a request (*vehementer cupio*), met with a bad reception by the imperialists, as was to be expected. The debate on justification, Pacheco objected, could not be regarded as concluded so long as the list of errors had not been discussed. On the other hand the Bishops of Badajoz and Astorga, together with other Spaniards, appealed to the agreed principle of the parallel debate—there could be no decree on justification without a decree on residence! Del Monte's defence was that there was no intention to cheat the Council of a debate on residence. The imperialists' opposition to his proposal, fully justified as it was in itself and expected by Del Monte, provided him with a way out which he now proceeded to explain. It was that there should be no fixed date

count of the votes—29:25—the votes of the presidents are not included as they were by Massarelli who accordingly has 29:27. On 30 July Pratanus obviously mistakes *certitudo termini* for the Session for *certitudo fidei se esse in gratia*, VOL. II, p. 387, l. 16, but adds some details of his own, as for instance when he tells us that the prelate who kept a boatman waiting for him—whom Madruzzo ordered away—was the Bishop of Corfu. The somewhat subdued report of Del Monte to his colleague at Rovereto on the general congregation of 28 July, VOL. X, pp. 575 f. Mendoza disapproved of Madruzzo's bluster ("le bravate non furono fatte per ordine ne saputa sua", viz. the Emperor's, VOL. X, p. 634, l. 38). Madruzzo's letter of excuses to Farnese, written in his own hand and in shocking Italian, *ibid.*, p. 581. Cervini quickly drew his own conclusions, *ibid.*, pp. 584 f., 587 ff., and so did above all the Anonymous, *ibid.*, pp. 582 f., and Grechetto, pp. 585 f. The reaction outside to the incidents inside the Council appears in Lippomani's report when he says that on 28 July, when only two miles from Trent, he had gone in another direction when he heard that "se pellavano la barba (Sanfelice v. Grechetto) in concilio et che non si faceva altro che gridare insieme et contendere sopra mille frascherie", VOL. X, p. 649, n. 7. On account of their painful nature reports from Trent were at first kept secret in Rome, but rumours were all the wilder in consequence, thus it was said "che Monte disse al Pazzo 'marano' et a Trento 'ubriaco' et che dettero a lui de 'pazzo' et 'sodomitto' per la testa, et tutta Roma n'è così piena come se l'havessero udito di lor bocca", Bianchetti to Della Casa, 14 August 1546, Bibl. Ricci 5, fols. 165^v-168^r, or. Bianchetti, who was well informed, suspected that Del Monte would be replaced by Sfondrato who at this time stood in the highest esteem with Paul III; opinion of the former was extremely unfavourable: "dicono che staria meglio in campo che in concilio, et che'l card. Farnese è parso un Salomone et un Vecchio in comparatione di quei cervelli gagliardi."

for the Session, that in fact it should be adjourned indefinitely. The reasons for such a decision were transparent: it could be foreseen that too short a time-limit would force a further postponement while an unduly prolonged adjournment would result in the departure of a number of prelates. It was natural to ask: was there not every reason to fear a similar result from an adjournment *sine die*? Was there no means to prevent the threatening spontaneous dissolution of the Council?

The suggestion which all of a sudden gave the debate another direction was made to the gathering by the Archbishops of Corfu and Matera. The obvious way out of the complex and dangerous situation, they declared, was the translation of the Council to a locality that would be out of range of warlike events. Even the Emperor, the Archbishop of Matera thought, would end by dropping his objections to such a move. Pacheco interrupted him excitedly: "What do you know of the Emperor's intentions?" he asked. He was convinced that a translation would cross the Emperor's plans even more drastically than the adjournment of the Session for an indefinite period. The mere discussion of a translation was dangerous and must be prevented by all possible means. However, Del Monte refused to make use of his rights as president: he could not, and would not prevent anyone from airing his views. There followed a sharp conflict between the two cardinals and the spokesmen of the two parties, the curial and the imperial. One of the advocates of a translation, the Bishop of Pesaro, drew a lurid picture of the conciliar acts passed in war-threatened Trent, while on the other hand the Spaniards laughed at the Italians' fear of the enemy: "they feared where there was no fear", they said (Ps. XIII, 5). One of them, however, the Bishop of Calahorra, probably realised that their opposition to the legate's first proposal had led them into a trap; he accordingly declared his approval of the publication of the decree on justification by itself. Those who kept closest to the matter in hand, namely the fixing of a date for the Session, were the three generals of Orders. If the decree on justification alone was to be published, a firm date, and an early one, should be fixed; but if some other decrees were also to be promulgated at the same time a postponement without a time-limit would be preferable. A considerable number of bishops pronounced in favour of the latter proposal, which was also the legates' alternative. The dates suggested by the other side oscillated between one week and six months. It was difficult to ascertain which of the various possibilities commanded the support of the majority. Del

Monte announced that the votes would be counted; he would then discuss the matter with his colleague and get a decision in the next general congregation. But this postponement of a decision was in itself a decision. The time-limit of the Session lapsed without a fresh date having been determined. In view of existing circumstances an adjournment could easily prove the beginning of the end.

Pacheco now thought that the moment had come for a political intervention. "If the Council allows the time-limit of the Session to lapse", he declared, "and dissolves itself, it will act in direct opposition to the will of the Emperor, who insists on the discussion being continued at Trent." This statement constituted in actual fact, if not in its form, a threat that could not be misunderstood. However, Del Monte would not be intimidated. "The real cause of the threatened, nay, the incipient dissolution of the Council", he said, "was not a longer or a shorter adjournment of the Session but the fear of war." In the end no final decision about the date of the Session was reached and the prelates separated in a state of extreme tension. In his own mind Del Monte may have hoped that his policy of procrastination would prove successful, but he underestimated the vigilance and the pugnacity of his opponent Pacheco.

When the votes were counted it was seen that a majority, though a small one (29 against 25), were in favour of a firm date for the Session. Del Monte thought he could reverse the decision, or at least ignore it, by adding the two votes of the presidents to those of the minority, and accordingly, in the general congregation of 30 July, after publishing the deputation's draft on justification, he abruptly closed the meeting. Pacheco protested vehemently against such an action, and when the legate went the length of quoting the axiom that "votes must be weighed, not counted", the Spanish cardinal, raising his voice, asked: "Is then my vote not as good as that of the rest?" Madruzzo also moved to his assistance and with a somewhat superior air requested the president to treat the Council with greater courtesy and Christian feeling, otherwise he would feel compelled to say things which he might regret later on. Upon this Del Monte's anger flared up: "I am not aware", he said, "of having behaved in an unchristian fashion. Am I, the president, to be lectured like a schoolboy? Change your tone and I will change mine. It is not freedom of speech that is at stake; the question is whether or not we are to yield to veiled threats. Violence may be done to me, but no one will frighten me. Up till now we, the legates, have treated you two cardinals like fellow-presidents; we have allowed you

to take your places beside us and have granted you privileges which we were not bound to extend to you. Now you want to lord it over us and over the Council."

All the irritation that had accumulated in the legate's soul in the course of the last few weeks vented itself in these sentences. At this moment he saw Pacheco and Madruzzo as the embodiment of the imperial power which detained him and the Council in the city of Trent and circumscribed the assembly's freedom of action. Madruzzo vehemently denied that he had curtailed the freedom of the prelates during the recent period of crisis, but he was entitled to claim the right of free speech, including that of making representations to the president. Pacheco, however, now thoroughly roused, flung the accusation in the face of the legate: "You treat us as if we were your lackeys." The altercation between the three cardinals was rising to such a pitch of violence that some of the bishops intervened. Throwing himself on his knees, with hands raised in supplication and with tears in his eyes, the Archbishop of Palermo besought them to put an end to this dreadful scene. Thereupon business was resumed.

Massarelli read out the votes on the time-limit of the Session. Pacheco repeated his demand for a date to be fixed in accordance with the result of the voting, but on the strength of old and new arguments Del Monte refused once more. One of his arguments was that the majority in favour of a fixed date was not a genuine majority because a number of votes had conditions attached to them so that they could not be regarded as clear, affirmative votes. Moreover, his colleague Cervini was absent and it was jointly with him that, in virtue of powers granted by the Pope, he had the authority to guide the course of the Council. He obstinately refused to make any concession.

For all that, at the conclusion of the congregation, Pacheco and Madruzzo found it in their hearts to ask his forgiveness should they have offended him. This Del Monte granted, but in the case of Madruzzo he contented himself with a slight nod of the head. This treatment, which he regarded as contemptuous, so angered Madruzzo that he let fall the remark: "You may take my words in whatever sense you like, it is all the same to me: I am a nobleman!" Del Monte, mortally offended by this reference to his own lowly origin, replied; "Yes, I am not a nobleman. But I shall go to a place where no one will be able to play off his aristocratic origin against me!" The words were a threat of the translation, a declaration of war against the imperial party.

Madruzzo was not long in realising that he had not only done wrong by offending the Pope's representative in full congregation, but that he had also committed a political blunder, inasmuch as his conduct was calculated to bring about the very thing he wished to prevent. Ultimately Pacheco's intervention was only a public statement of what everybody knew; his standpoint, that the Council, not the presidents alone, had to fix the date of the Session, was in accordance with the practice hitherto observed. Del Monte's cunning tactics, which it was easy to see through, his abrupt, authoritative tone, the threat of a translation uttered in a moment of excitement, were of course equally mistaken. Seripando does not get beneath the surface when he describes the dispute as "a childish and silly quarrel". It was on the contrary, a head-on collision between two conceptions of the Council—the Emperor's and the Pope's. The Emperor regarded the Council as an essential part of his great plan, a subordinate one perhaps, but at least an integral one, and for this reason he insisted on the discussions continuing at Trent, though in so general a fashion as to preclude any dogmatic definitions. For the Pope, the Council was first and foremost an authoritative, doctrinal reply to Protestantism, and second, an instrument of Church reform, an autonomous concern of the Church and a link in the venerable chain of her oecumenical Councils. The legates protested on their own account with the utmost energy against the long-distance direction of the Council from the imperial court, for they had been roused by the conduct of the imperial cardinals and, as a consequence, they did all they could to bring about a translation. After what had happened in the general congregations of 28 and 30 July, they were firmly convinced that the Council could not be allowed to remain at Trent. The latest events had greatly improved the prospect of their bringing the Pope round to their point of view.¹

¹ The legates' second proposal for a translation and the missions of Montemerlo, Bertano and Grassi, and Santa Fiora's letters to Farnese dated 21 and 23 July, in *C.T.*, VOL. X, pp. 570, *n.* 5; 572 f.; the legates' instructions for Montemerlo, 26 July, *ibid.*, pp. 573 f.; the legates' report of 26/27 July was sent after him by express courier.—The instructions for Bertano for his mission to the imperial court, *N.B.1*, VOL. IX, pp. 589; *C.T.*, VOL. X, pp. 603 f., give as one reason for a translation the increased expenditure incurred by the Pope in maintaining the Council at Trent. From Cervini's letter of 3/4 August, VOL. X, pp. 587 ff., which was never despatched, it appears that the cardinal had some misgivings about so inconsiderate an exploitation of Madruzzo's error of judgment. Bertano's conversation with Cervini before his departure for Rome is based on Vida's letter to Gonzaga of 13 August, State Arch. Mantua 1915, or. While on the way Bertano called on his patron at Mantua. The latter, on his part, informed the Duke of Ferrara, on 15 August, of the plan for a translation and connected his own "combinazioni" with it, cf. *Il Concilio di Trento*,

Already on the occasion of their first visit to the ailing Farnese at Rovereto, on 25 July, the legates had become acquainted with the above-mentioned papal instructions of the 21st which, under the influence of the alarming reports of the incipient dissolution of the Council, considered a translation to Ferrara or Lucca as a way out of the impasse—though only as a subject of future negotiations with the Emperor. Farnese was told to study the problem once more in concert with the legates. The Pope thought it might be possible to convince the Emperor that even for him the translation would be a lesser evil than the dissolution of the assembly. The three cardinals had agreed to send the bearer of the instructions, Montemerlo, back to Rome immediately (26 July). He was to lay the following considerations before the Pope: there was a risk of the Council being drawn out indefinitely by the imperialists; at Trent it was neither free nor secure; the hour had come when either the Council must be made to decide upon the suspension of the discussions, perhaps up to the feast of All Saints, or else its translation must be ordered in virtue of papal authority, and without consulting the assembly.

The "storm" of 30 July so strengthened their resolution that without awaiting the issue of Montemerlo's mission, and with Farnese's approval, the legates took two further steps in the same direction.

VOL. I (1942-3), pp. 256 f. Bertano's reports from Rome, *C.T.*, VOL. X, pp. 621 f., 627, n. 5. The calumny that he had been bribed by the imperial party came even to the ears of the Pope, *ibid.*, p. 904, l. 26. Thus Gualteruzzi asserted that Bertano had received 2000 scudi from the Emperor, 500 from Madruzzo, Bibl. Ricci 4, fol. 203^r. The mission on which he was engaged was fraught with great risk for his person because he had to undertake the defence of Madruzzo. In spite of De Grassi's remark, *C.T.*, VOL. X, p. 633, l. 18, his prestige in Rome suffered no diminution, so that on 21 August Bianchetti could write to Della Casa, Bibl. Ricci 5, fol. 170^o, or: "Ha in questo concilio acquistato assai et dico tanto ch'egli e il primo nominato fra gli eletti" (viz. for the cardinalate).—Grassi was given no instructions, only credentials. The Emperor's threats against Cervini, which are reproduced in the letters from Trent, VOL. X, pp. 592 f., 595 f., on the basis of Cattaneo's oral information, are confirmed by Verallo, *N.B.I.*, VOL. IX, p. 163, and by the instructions for the Roman ambassador Juan de Vega, *C.T.*, VOL. XI, pp. 64 f. According to Gianbattista Cervini, VOL. X, p. 903, l. 3, they had been softened down by Granvella, Pacheco and Madruzzo. Characteristic for the state of alarm at Trent is Giacomelli's letter of 8 August, *ibid.*, pp. 596 f. How little the legates, and Cervini in particular, were in agreement with the postponement of the translation which Mendoza had obtained from Farnese appears from a comparison of their letter of 9 August with Farnese's two letters of the same date, the second of which (omitted in *N.B.I.*, VOL. IX, pp. 179 ff.) must be regarded as a strictly personal piece of information for the Pope, *C.T.*, VOL. X, pp. 597-601. Grassi reached Rome on 12 August. His report, *ibid.*, pp. 616 f., is of particular interest because it emphasises the close connection of the cardinals' deputation with the Council. The tenor of the final report of 29 August is "there is nothing to be done", *ibid.*, p. 633. Bianchetti also reports on 14 August to Della Casa on the deliberations in Rome in mid-August, Bibl. Ricci 5, fols. 167^r-168^r, or.

Formally commissioned by Madruzzo, but with the agreement of the legates as well as of Farnese, the Bishop of Fano set out for the imperial court on 3 August. His mission was to win over the Emperor for the translation of the Council to Ferrara, Lucca or Siena. Pietro Bertano, whom we have long ago come to know as a close collaborator of the legates, was reputed to incline towards the Emperor's views and he was likewise in close contact with Madruzzo. Through his skill as a mediator the latter hoped to recover his badly shaken prestige with both parties, though for different reasons, while the legates saw in the Bishop of Fano's undertaking at least a possibility of getting nearer to their goal. On 4 August they themselves despatched the auditor Achille de'Grassi to Rome with a whole bundle of documents which could be summed up in one sentence: "The Council must be transferred at once." On the basis of the recent, grave incidents at the Council, and banking on the papal nephew's authority, they thought they were within reach of their goal.

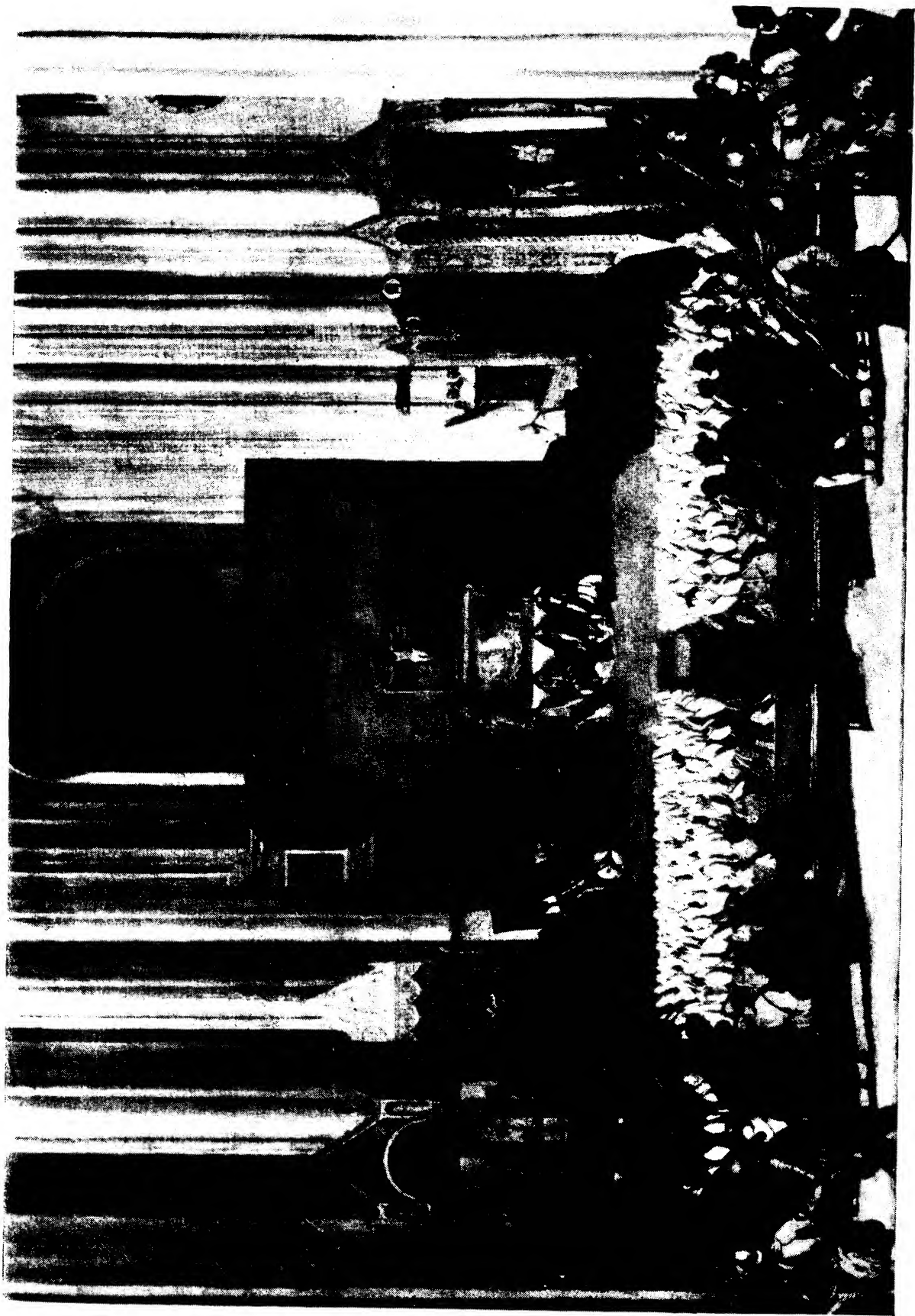
The Bishop of Fano only got as far as Brixen. There he fell in with Aurelio Cattaneo, Madruzzo's secretary, who was on his way back from the imperial court. The latter convinced the bishop of the utter uselessness of his mission. He told him that the Emperor insisted on the Council remaining at Trent; that he was incensed against the legates whom he held responsible for the plans for suspension and translation and that he had threatened to revenge himself against Cervini whom he regarded as the chief culprit. Under the influence of this information the bishop retraced his steps at once and by the evening of 4 August he was back at Trent. Cattaneo personally informed Cervini of the Emperor's threats. Cervini's answer was worthy of him: "If I have done wrong", he said, "the Pope can call me to account; as for the Emperor, he has no authority over me. He may indeed exert his power against me, a poor priest: I am ready. More than life he cannot take from me; but he will have to give an account before the eternal judge. As long as there is life in me I shall do my duty." Such an answer was more than "the word of a fearless philosopher", as Vida described it, it breathes the spirit of imperturbable Christian fortitude. On the other hand there was no longer any question now but that a translation meant a rupture with the Emperor. It did not make sense, therefore, to let Grassi report and negotiate in Rome on the old basis. A messenger was accordingly sent after him to recall him to Trent, but on 6 August he was once more despatched to Rome with fresh instructions. In a letter in his own hand Cervini informed the Pope of the Emperor's

threats against his person. The information was accompanied by a request for his recall. For him Trent had become more insupportable than ever, all the more so as he was convinced that none other than Madruzzo was behind the Emperor's threats: "If you put up with these intolerable acts of violence on the Emperor's part", he wrote to Maffeo, "the Pope will lose his last adherents at Trent, in which case the game is lost." To the adherents of the Curia at Trent the situation appeared catastrophic: "The axe is laid to the root," Giacomelli wrote, "the Pope is being betrayed even by those who have adhered to him up to the present, as for instance by the Archbishops of Armagh and Upsala; the opponents' front is for ever extending and the upshot of it all will be that they will claim supremacy over the Pope and reform the Church from Trent."

On 7 August the auditor Grassi was followed by the Bishop of Fano, once more at Madruzzo's behest but with the agreement of Farnese and Del Monte, though not that of Cervini. He was instructed to do his utmost to attenuate the exceedingly bad impression which was bound to be created by Madruzzo's conduct in the general congregation, but still more by his intrigues at the imperial court. His task as a mediator was an unenviable one.

How greatly dependent are political decisions on the speed at which news can travel! When the legates despatched Grassi to Rome on 6 August they were unaware that in the meantime the Pope had fallen in with their plan for a translation. In the last days of July, as a result of Montemerlo's report, Paul III had become convinced that the translation of the Council was unavoidable. However, tied as he was by his pact with the Emperor, he was unwilling to order it himself and wished it to be a conciliar decision. A Bull dated 1 August empowered the legates to act in this sense (*de eiusdem concilii, vel majoris partis, consensu concilium . . . transferre*). For a locality the Pope had in mind the city-republic of Lucca, not Ferrara or Siena, and least of all Bologna. He still reckoned with the possibility of winning over the Emperor to the translation-plan. Nuncio Verallo was instructed to inform the monarch of the decision and to discuss the plan with him, but on no account to ask his "permission". The legates were informed of the Pope's wish that the decree on justification and, if possible, that on residence, should be completed before the translation, but they were to be free, should the need arise, to disregard this desire.¹

¹ The Pope's attitude to the plans for a translation from the end of July to mid-August: decision of a translation to Lucca, *C.T.*, VOL. X, pp. 589 ff.; authorisation of



(Archives Photographiques, Paris)

THE COUNCIL OF TRENT IN SESSION
After a painting attributed to Titian in the Louvre, Paris

The legates had good reason to exult over this papal decision. At the very least it made it clear that the plan for a translation was not a plot engineered by themselves behind the Pope's back. For the imperialists it was a heavy blow. The text came into the legates' hands on the evening of 6 August. On the following day, the unsuspecting Bishop Bertano went to take his leave of Cervini. When he expressed a hope of securing in Rome a postponement of the translation until the month of September and of personally bringing back to Trent the Bull ordering the translation, Cervini drily remarked: "It is here already"!

At Farnese's suggestion it was shown to the imperial cardinals. Pacheco remained calm and composed, but Madruzzo flared up and said in a threatening tone: "If the Council is transferred, we shall have two Councils instead of one, and in addition to this the Emperor will ally himself with the Protestants." Mendoza, the ambassador, took the news more sensibly than the rest for he clearly perceived that fresh threats would only make the translation more certain or would at least hasten it: to gain time was almost equivalent with ultimate success. On the way back from Venice where he had gone for the purpose of warning the Signoria against taking any steps in support of Schmalkalden, Mendoza had assured the legate Pole at Treville that he was not absolutely opposed to a translation and now also he spoke in that sense, except that he thought it should be delayed until the feast of All Saints. Moreover, since it was clear that the papal directives had been rendered obsolete by the latest events, Farnese agreed with the ambassador to keep back, for the time being, the despatch intended for the nuncio and to report to the Pope on the subject.

The postponement of a decision was a complete success for Mendoza. The legates felt that in the present instance postponement was as good

the translation, VOL. v, p. 402, *n.* 2. For the unfavourable attitude of the Duke of Ferrara, cf. A. Casadei, "Proposte e trattative per l'apertura e per il trasferimento del Concilio a Ferrara", *Il Concilio di Trento*, VOL. I (1942-3), pp. 258 ff., for which the archives, especially those of Modena, have been drawn upon. Postponement of the translation according to the instructions for Verallo of 16 August, *C.T.*, VOL. x, pp. 609 ff., and for the legates, pp. 611-14. The latter deny that the directive given on 4 August "si habbia a ritrattare"; the directive sent by courier on 17 August maintains this fiction ("persiste nella opinione affermativa"), but merely for the consolation of the legates. Already on 28 July Morone had foretold that the Pope would neither recall the legates nor translate the Council, VOL. x, p. 901, l. 27. Obviously relieved by the postponement Cardinal Mendoza wrote on 15 August, VOL. XI, pp. 67 f., that the Pope would "en ninguna manera" change the locality of the Council "sin consentimiento de V.M.^{dad}". Most instructive as to the motives that animated the advocates of a translation is Maffeo's "Disputa" in his letter of 17 August to Antonio Elio, Farnese's secretary, VOL. x, p. 615, *n.* 2; the Pope's remark to Juan de Vega, according to Bianchetti's letter to Della Casa, 4 September, Bibl. Ricci 5, fol. 175^r, or.

as abandonment—the chance of a translation had been irrevocably missed. They retained lively memories of the exchange of questions and answers, lasting nine months, between the Curia and the imperial court on the subject of the opening of the Council. For fear of further provoking the Emperor they cancelled, at the last moment, a general congregation fixed for 11 August, on the plea of a heavy downpour of rain. They nevertheless held firmly to their intention with regard to a translation, in fact they were already thinking of the new locality. In their opinion Siena or Ferrara were preferable to Lucca which was favoured by the Pope. Ferrara in particular commended itself to them not only on account of its favourable situation, but because its ruling dynasty was acceptable to the French: they did not know that Duke Ercole II was unwilling to co-operate. In a letter to his confidant Maffeo, Cervini conveyed yet another warning against a policy of obstruction in this matter of the translation, and having done so he on his part fired his biggest gun: "The Council", he asserted, "is not free while it is at Trent, hence its decrees are invalid! Once the war is over it can be brought back to Trent at any time."

All the legates' counter-efforts were in vain. After Grassi's arrival in Rome on 12 August the Pope discussed the situation for several days with the commission of cardinals for the affairs of the Council. The latest news threw him into a state of the greatest excitement. Fear of Charles V's "monarchy", and suspicion of his ultimate designs rose once more in his mind. "You have not yet secured victory", he said in those days to the imperial ambassador Juan de Vega, "yet it is impossible to get on with you; what will it be like when you are victorious?" The two envoys of that scapegoat, Madruzzo, were made to feel his annoyance: to Cattaneo he spoke so roughly that the latter could only mumble an excuse and on Bishop Bertano he turned his back. Nevertheless his decision was not determined by emotion, annoyance or suspicion but solely by political reasons. He did not drop the plan for a translation but declared his readiness to keep it in suspense for a period of six weeks or two months, in order to give his nephew time to reach the imperial court and to await the turn in the war-situation which was thought to be imminent. Instructions dated 16 and 17 August left the initiative for the translation to the legates, subject to the assent of the Council. His chief motive is plain enough: an immediate translation ordered by himself would have been a defiance of the Emperor and a deviation from the path of a loyal ally. He was convinced that a translation was less likely to endanger the life of the Council than a

suspension which could not but recall the many suspensions of the Council of Mantua and the first Tridentine convocation and would breathe new life into the doubts about the Curia's wish for such an assembly. He cherished the hope that his nephew's personal influence would wring from the Emperor if not his consent to the translation, at least his temporary toleration of it. With complete loyalty he informed the monarch, through his nuncio, that he had authorised the legates to make arrangements for a translation to Lucca which, as a free city, could not be suspect in any way and which, on account of its situation close to the sea, was easy to reach from France, Spain and Portugal. The legates' disappointment he sought to soothe by assuring them that in principle he held to the plan of a translation and accordingly instructed them to make sure of the Council's assent to its eventual removal. As for Siena, which they had suggested, that city could not be considered on account of internal disturbances. Ferrara, which they had also proposed, was a fief of the Church and as such would be suspect to the Protestants as well as to the Emperor by reason of its dynasty (the Duchess Renata was sister to Francis I). In case the legates should have failed to grasp the full meaning of the papal decision, a covering note of Maffeo's removed the last uncertainty. It told them in plain terms to remain at Trent and to go on with the work of the Council while at the same time making preparations for a translation.

In the opinion of the legates this was to ask them to square the circle. If they laid the subject of translation before the Council they exposed themselves to the sharpest attacks from the imperialists ("*saremmo lacerati et reputati mali ministri*"); and if they put off a decision it would be almost impossible to detain the prelates at Trent for more than another ten days. The bishops of the Curia impatiently demanded either a translation or a suspension. The longer a decision was delayed the greater the number of those who escaped from the city. Those who were already at Venice asked the nuncio who had been instructed to compel them to return, whether he was in a position to tell them the date of the next Session. This he was unable to do. There can be no question but that this frame of mind of the bishops of the Curia suited the legates: the incipient spontaneous dissolution had been their strongest argument in favour of a translation. Both legates longed for a change of locality, for personal as well as material reasons. Their repeated requests for their recall had not been mere gestures. The state of their health was unsatisfactory; they ascribed it to the climate of the conciliar city. Cervini, completely exhausted by his

long-sustained exertions and by recent excitements, wrote on 2 September: "In these nineteen months I have got ten years older." Both men were dismayed by the prospect of a prolongation of their stay at Trent—Del Monte on account of his quarrel with Madruzzo, Cervini because of the Emperor's threats. They saw the basis of their policy for the conduct of the Council which they had found it so difficult to get accepted in Rome, namely the parallel discussion of dogma and reform, put in jeopardy by the imperial demand for the postponement of dogmatic definitions. In some other locality, in the interior of Italy, they hoped to recover that freedom of movement which at Trent had been circumscribed by the interference of the Emperor. Charles V was right, on the whole, when he thought that it was the legates, above all the Francophile Cervini, who had been pressing for a translation.

On the other hand the concrete charges which the monarch brought against them were in part groundless and in part exaggerated. In the apologia which they sent to Nuncio Verallo on 14 August, they pointed out that they had not provoked, still less furthered the spontaneous dissolution of the Council; that process was, on the contrary, a direct consequence of the Emperor's policy in regard to the Council and of the reports from the theatre of war. During the critical days in mid-July and after the congregation of 30 July, they had done everything in their power to prevent a panic. From their point of view it would have been highly imprudent to allow those prelates who sided with them, and with whose help the translation would have to be decided, to leave the Council, since their departure would have left them alone with their opponents. They failed to see, or were unwilling to see, that a translation ordered by the Pope, or decided by the Council, regardless of the Emperor's views, was bound to tear up the great plan and bring about a rupture between Pope and Emperor. The narrowness of their political, and even of their ecclesiastical outlook is shown by their question: "Why so much consideration for Germany?" They forgot that it was the religious revolution in Germany that had occasioned the Council and that its object was to limit that revolution, and if religious unity could not be restored, to save at least what remained of the Catholic position. This aim was not in the least affected by the circumstance that up to this time not a single German diocesan bishop had put in an appearance at Trent and that, at the moment, the attendance of the Protestants was not to be thought of. "In the event of the Emperor's victory", the legates said, "the Protestants will come even to Lucca." One shudders as one follows up this train of thought;

it witnesses to a complete misconception of the political and ecclesiastical situation within the empire.

For the Emperor the plan for the translation of the Council meant the jeopardising of the greatest undertaking of his whole life. When discussing it with Farnese on 29 August, he earnestly represented to the legate that the success of the great plan was linked with the name of the Council of Trent. If the Council was translated he (the Emperor) would forfeit the confidence ("il credito") of Catholics and Protestants alike, in which case a military victory would be worthless. In his opinion the two war aims, namely the restoration of the unity of the Empire and the suppression of the power of the Protestants, were closely connected and equally justified. Their complement was not any kind of Council but the Council of Trent, on the holding of which he had made up his mind. It was the pursuit of this goal that was the cause of the tragic divergence between the two rulers.

For the Pope knew only one aim—victory over the Protestants and restoration of the old religion. The restoration of the unity of the Empire and the imperial authority appeared to him both suspect and dangerous. The thought of a Habsburg world-power weighed on him like a nightmare. A completely victorious Emperor would force his will even upon the Pope and use the Council as a kind of thumb-screw, particularly if it were held within his own dominions. In no circumstances must such a situation be permitted to arise. Paul III, too, thought of removing the Council from the Emperor's sphere of influence and of transferring it to Italy, though not at this moment, or as long as the war was undecided, or at the price of a rupture with the monarch. The divergence which Charles V imagined to exist between the Pope and his legates was merely about a question of timing, not of aim. The Pope had no intention of dropping his legates in order to meet the Emperor's wishes. He continued to trust them and turned a deaf ear to all their requests for their recall, especially those of Cervini, who was the butt of the sharpest attacks and who, on account of his courageous answer to the Emperor's threats, had risen still higher in the Pontiff's estimation. The mutual confidence of the Pope and his legates remained undisturbed and thus greatly facilitated the continuation of the Council. On the other hand, by postponing the translation out of consideration for the Emperor, Paul III avoided the threatened rupture. But from now onward a heavy cloud darkened the horizon of the Council.¹

¹ Situation at Trent after the postponement of the translation: apology of the legates to Verallio on 14 August, *C.T.*, VOL. X, pp. 605 ff.; their doubts about the possibility of

The outbreak of war and the struggle for the translation of the Council explain the otherwise unaccountable delays of the work on the decree on justification as well as the slackness of the debates of 13 and 17 August. Del Monte, who after the scene with Madruzzo had sworn that never again would he attend a general congregation at Trent, had nevertheless been compelled to take the President's chair, whether he liked it or not. Contrary to general expectation, the subject of the debate was not the almost forgotten decree on justification. Vida accurately describes the level of the debate when he says that "everyone recited his more or less appropriate little piece". It was with mixed feelings that the legates and their supporters took part, on 19 August, in a procession of intercession for a happy issue of the war. The procession made its way from the church of the Holy Trinity to Santa Maria where the Bishop of Badajoz officiated at Mass and Musso preached: at the conclusion a plenary indulgence was granted. When in the first days of September news came from the theatre of war that a decisive battle was about to be joined the procession was repeated, on 8 September. On three other consecutive days, 11-13 September, a shorter service of intercession, consisting of the Litany of the Saints and Mass was held, by order of the Council, in the church of the Holy Trinity.

With regard to the resumption of the debate on justification, the legates took their time. To the general congregation fixed for 28 August,¹ they only submitted the question whether the doctrine that a

executing the papal directives, *ibid.*, pp. 617 ff. Gianbattista Cervini suspected that Cardinals Ardinghello and Sfondrato advocated the rejection of Cervini's request for his recall in order to keep him away from Rome and the Pope, *ibid.*, pp. 900, l. 25; 902, l. 15. As a matter of fact at that time Sfondrato had been chosen by Paul III to succeed Cervini, *N.B.I.*, VOL. IX, p. 202, n. 2; *C.T.*, VOL. X, p. 638, n. 1. On 27 August Cardinal Santa Fiora rejected the legates' criticism and described the translation as "necessaria in ogni eventi", *C.T.*, VOL. X, pp. 626 f. The Emperor's answer to Farnese, 29 August, *N.B.I.*, VOL. IX, p. 211; *C.T.*, VOL. X, p. 634, l. 16. Vida's letters to Cardinal Gonzaga, 13 and 24 August 1546, in State Arch. *Mantua* 1915, or. The religious service of 19 August for a happy issue of the war, *C.T.*, VOL. I, pp. 568 f.; VOL. V, pp. 415 ff.; according to VOL. X, p. 622, l. 34, the Bull granting an indulgence only arrived at Trent on 31 August. On 5 September the Bishop of Badajoz writes to Ponce de León (del Consejo de S.M.^{dad}): "En el Concilio no se haze estos dias cosa nynguna, porque esta todo suspenso hasta ver el buen fin desta guerra." "This evening", he adds, "two couriers brought the news that the Count von Büren had joined the army of the Emperor", Escorial Library, ms. Ecc. II 7, fol. 308, or.

¹ General congregation of 28 August 1546: Pratanus, *C.T.*, VOL. II, p. 388, l. 31, wrongly asserts that no general congregation had taken place between 17 August and 23 September. The protocol is in VOL. V, pp. 418 f. In their judgment of the attitude of the "Ispani et regnicolae", that is, the bishops of the kingdom of Naples, Severoli, *C.T.*, VOL. I, p. 102, and the legates' report, VOL. X, p. 629, are in agreement. Cervini's principle quoted in the text, VOL. V, p. 418, l. 11, is thus formulated in VOL. X, p. 629, l. 22: "L'heresie si dannino, le questioni fra li dottori scholastici non si decidino."

man can be certain of his being in a state of grace, the rejection of which in the July draft had been resisted by those theologians and Fathers who held Scotist opinions, should be discussed in detail and thereafter defined by the Council, or whether they might content themselves with condemning the Lutheran doctrine that a man can be certain by faith (*fides fiducialis*) of his personal justification. The imperial party were in favour of a discussion because they saw in it a means for drawing out the negotiations and thereby delaying the completion of the decree. Their curial opponents were in a position to appeal to the principle formulated by Cervini and which had been acted upon until then, namely that it was the Council's task to set forth Catholic dogma and to condemn doctrines that were at variance with it, but that it was none of its business to pass judgment on the various opinions prevailing in the schools of Catholic theology. The only question was whether a formula could be devised which would refute Luther's teaching without touching on the opinions of the schools. The voting resulted in seventeen votes in favour of a discussion of the above-mentioned problem while twenty-one were cast for a simple condemnation of the Protestant teaching of the certainty of grace by *fides fiducialis*. To this group must be added four votes which left the decision to the legates. In view of this result Del Monte announced that a way would be sought to satisfy both groups. By mid-October such a way had actually been found.

The list of those present and the result of the voting at the general congregation of 28 August throw light on one of the reasons for the surprisingly passive attitude of the legates during the weeks that followed the storm. At the June Session sixty-five prelates entitled to a vote were present. This time only forty-two votes were cast and of these nearly one-half favoured the imperial thesis. This reduction of personnel and the consequent shifting of the voting strength were due to the flight from the Council which had begun soon after the Session and which had assumed alarming proportions since July. The legates hesitated to complete the decree on justification with a Council thus weakened, and still more to take the risk, with so slender a majority, of putting an eventual translation to the vote. Was it not within their power, or that of the Pope, they asked themselves, to fill up the Council once more and to strengthen their party by recalling the absentees?

When the flight from the Council was put forward as an argument in favour of its translation the Emperor had countered it with the seemingly unanswerable argument: "If the Pope can send his bishops

to the Council, he can also order them back to Trent." In point of fact when a beginning was made in this sense the task proved far more difficult than had been expected. The Pope's command, ordering the bishops back to Trent dated from 28 August, but neither the nuncio in Venice, nor the Bishop of Caorli nor the commissary Antonio Pighetti da Bergamo who had been sent thither by the legates for that purpose, had had any success. Every one of those concerned had some excuse or other, such as illness, an empty purse, urgent private business. The chief motive, however, but one hardly ever openly avowed, was aversion for Trent and the secret conviction that sooner or later the Pope would transfer the assembly to Italy. To bring about the return to Trent of prelates who, for the most part, had withdrawn to Venice, Brescia, or to some other cities of Upper Italy, more drastic measures would have been required, but from the use of these the Pope shrank for he would not, and could not, antagonise his own adherents. Moreover, with a view to preventing the introduction of contagious diseases, the Venetians had closed their frontiers since September so that such prelates as returned to Trent had to reckon with the possibility of being denied admission to Venetian territory in the event of a translation of the Council.¹

We have a typical instance of this reluctance in the letters and the conduct of the Bishop of Lucera, Mignanelli. This prelate had close personal relations with the legates—in a letter of 20 September they speak of him as "amico intimo"—and as a former nuncio in Germany he was thought to be a well-informed person. On 6 September he wrote to Maffeo: "Up to this time I have patiently put up with the inconveniences of the city of Trent, the prevailing high cost of living, the antipathy of the population towards us, as well as the alarming proximity of the war. But now that I know that the Pope is contemplating a translation of the Council, and that he has actually authorised the legates to effect it, there is nothing to keep me at Trent, even if there has been a delay in the meantime", for there, he wrote on 18 September, "everything is directed from this side or that". The 500 scudi which he had put aside for the Council, thinking that it would not

¹ Efforts to secure the return of the prelates who had left Trent, *C.T.*, vol. x, pp. 623, 635, 653 f., the Pope's command of 28 August, *ibid.*, p. 628; his principle, no forcible means must be employed ("il sforzarli de fatto non conviene"), *ibid.*, p. 657, l. 14. By 22 September twelve bishops residing at Venice had promised the legates to return to Trent, *ibid.*, p. 660, l. 13, but attendance only began to increase in October. —Mignanelli's letters to Maffeo and to the legates, *C.T.*, vol. x, pp. 629, n. 6; 650 f.; statement of his expenses in connection with the Council, *ibid.*, p. 654, l. 15. Verallo's remark to Granvella, *N.B.I.*, vol. ix, p. 224.

last longer than a year, had been spent, and on the other hand he would not touch his private means nor "live on alms", that is papal assistance. He had made up his mind to leave Padua at the end of September and to go to Ancona, via Venice, when he would enter the service of the legate for the Marches, Cardinal Ranuccio Farnese. He saw the Council heading for a catastrophe in the near future and drew a gloomy picture of the Pope's policy which he compared to that of Clement VII before the Sack of Rome.

The feelings of those who remained at Trent did not greatly differ from Mignanelli's. Nuncio Verallo accurately judged their mood when he told Granvella, at the beginning of September, that "the bishops felt as if the Emperor had them by the throat". They were obliged to pay ten, fifteen and even twenty scudi a month for their lodgings, that is, as much as the total income of the bishop of a small diocese, and if they happened to be in arrears with their payments, the citizens complained to the Prince-Bishop of Trent. Quarrels were the order of the day. At the general congregation of 28 August the conciliar commissary Giacomelli demanded the assistance of three prelates in order to strengthen his authority when he was called upon to settle disputes about rents and prices.

But the most discontented persons at Trent were the legates. It would be an exaggeration to accuse them of passive resistance, but their ill-humour over the rejection of their plans for a translation led them to adopt a waiting policy. Instead of submitting to the Pope new proposals for the continuation of the work of the Council, they filled their reports with personal matters so that the Pontiff complained of the dullness ("siccità") of these documents. On 22 September they accordingly broke their silence, but their letter to the Cardinal-Camerlengo Santa Fiora, who was acting for Alessandro Farnese, was one long lament, in spite of the respectful restraint which they invariably practised. In their opinion the unique opportunity for enabling the Council to do its work, which, as they saw it, was by means of its translation, had been let slip irrevocably. In July there was an obvious reason for such a step, namely the bishops' fear of war, and it would have been regarded as a spontaneous decision of the assembly and not one due to papal intervention. The Emperor also, who at that time depended on the papal auxiliaries, and who had not as yet decided to pursue a negative policy, would have been compelled to make the best of it. Now, however, the two fronts had hardened. A translation would mean the rupture of the papal alliance; as for a suspension, there

was no longer question of it. It is for the Pope to decide what is to be done; how the Council is to be kept going.¹ They hint at only one way out of the impasse: they might proceed with the discussion of the decrees on justification and the duty of residence, and either publish them, or in the event of the imperialists offering opposition, make their obstruction the starting-point for fresh decisions. In his letter to Maffeo, which was despatched at the same time, Cervini makes a further request. It was that as many well-informed prelates as possible should be sent to Trent. They must be men on whom the legates could rely so that, with their help, they might be able to reach the appointed goal. Both legates refused to stay any longer at Trent and in pressing terms renewed their request for their recall. In a concluding remark Cervini betrays his vexation at the treatment to which he had been subjected: "I am weary", he wrote, "of having to defend myself every moment; by this time everybody might know what manner of man I am." In a letter to Farnese dated 20 September, Del Monte betrays his unwillingness to prolong his stay at Trent. He informs the cardinal that one evening, when he complained to his doctor of a pain in his throat, the latter said: "You are committing suicide if you remain any longer at Trent." "The climate of Trent", Del Monte went on, "is to blame for the Bishops of Vaison and Rieti, who looked fresh and hale on their arrival here, having had to leave on account of illness. The legate Pole and the Archbishop of Siena lie sick at Padua. The Bishop of Acqui has lost the use of his arms and the Bishop of Feltre is almost blind and deaf. Fregimeliga, a physician of Padua, made his escape after only a brief stay in the city; he fell ill at Padua and is cursing the city of the Council."

"I despair of my ability to do any good here", Cervini wrote to his friend Maffeo on 26 August. His vexation caused him to take too gloomy a view of the situation. The decree on justification which left the workshop of the Council at the end of four months' arduous labour, is known in history under the title of the "Tridentine decree on justification".

¹ Santa Fiora's and Maffeo's complaints of the jejuneness of the legates' reports, *C.T.*, vol. x, pp. 646, l. 8; 648, l. 11; the legates' report of 22 September, *ibid.*, pp. 658 ff. Del Monte's laments over the bad climate of Trent, *ibid.*, p. 654, l. 36; similar complaints by Mignanelli, *ibid.*, p. 655, n. 1. Cervini's pessimistic remark, *ibid.*, p. 626, l. 6.

The September Draft of the Decree on Justification and the Plan for a Suspension

IN the general congregation of 23 September the legates laid before the assembly the new, long-awaited draft of the decree on justification—the so-called “September draft”. Although the committee for drawing up decrees was still in being it had had no part in the elaboration of this decree: its anonymous author was Seripando.¹

As early as 24 July, that is, on the very day on which the July draft had been submitted, Cervini had sent for Seripando and unfolded to him the basic ideas of another, entirely new draft which he wished him to draw up. The work which Seripando presented to the cardinal on

¹ Origin of the September draft: Seripando's two preliminary drafts, *C.T.*, VOL. V, pp. 821-33. His notes, *C.T.*, VOL. II, pp. 429 f., which place the revision in the period between 26 and 28 August, render the date of 19 August for draft B doubtful, to say the least. Contrary to what I stated in my *Seripando*, VOL. I, p. 384 (Eng. edn., p. 348), I now regard Seripando's statement that his second conference with Cervini took place on 26 August as more probable than the date of draft B (19 August). The notes in Massarelli's diary for 23-24 August, *C.T.*, VOL. I, pp. 569, l. 24; 570, l. 1: “Scripsi decretum de iustificatione a Card. S. Crucis confectum”, can only refer to a draft of Cervini's own composition which the secretary recognised as such by the handwriting. It may be identical with the “alia quaedam quae sibi occurrerat . . . decreti forma” mentioned by Seripando on 26 August.—On the same day Cervini wrote to Maffeo, *C.T.*, VOL. X, p. 626, l. 5, “Io ho preso cura di far riformare il decreto”. Del Monte's statement in the general congregation of 28 August, *C.T.*, VOL. V, p. 418, l. 3: “decretum . . . fere absolutum”, would be quite easily explained if Seripando put the finishing touches to it, but less easily if the preliminary draft had been in Cervini's hands since the 19th. Why is it that Massarelli only mentions on 29 and 30 August that on both days he worked on the decree with the cardinal for three hours? VOL. I, pp. 570, l. 30; 571, l. 2. Why did the consultations of the theologians only begin on the 31st? Massarelli's one and only visit to Vega on 19 August, VOL. I, p. 569, l. 3, may quite well have been occasioned by some special problem which Cervini had encountered as he worked through the preliminary draft A. But in that case the question “of which *decretum de iustificatione* did Massarelli make a fair copy on 20 August?” must remain open, VOL. I, p. 569, l. 6. The consultations of the theologians, and after them of the Fathers, between 31 August and 21 September, described in the text, are based on Massarelli's *Diarium III*, *C.T.*, VOL. I, pp. 571-5; the legates' reports of 10 and 14 September make only brief references to them, VOL. X, pp. 642, l. 10; 647, l. 29. The September draft, VOL. V, pp. 420-7. S. Ehses, “Der Anteil des Augustinergenerals Seripando an dem Trienter Dekret über die Rechtfertigung”; *R.Q.*, XXIII (1909), Geschicht., 3-15, is largely out of date; cf. Jedin, *Seripando* VOL. I, pp. 384 ff. (Eng. edn. p. 348 ff.).

11 August (preliminary draft A) was no mere rearrangement of the July draft, but a new production both in respect to matter and form. It met with the approval, on the whole, both of the legates and of the bishops to whom the former submitted it. However, two weeks later on 26 August, Cervini returned it to its author with the injunction to recast it in the light of a draft "which", he said, "had come into his hands". The new formulation (preliminary draft B) was ready by 29 August.

Although the preliminary draft B was never laid before the Council we must stop to consider it for a moment, for it introduces into the history of the Tridentine definitions an epoch-making innovation of a formal kind. Up to this time the decrees of the Council had been cast in the form of canons condemning errors. This negative formulation was in keeping with an unwritten law of the Councils: Nicea and Chalcedon, the fourth Lateran Council as well as that of Vienne had carried out their teaching office in this fashion. A number of creeds of Christian antiquity were little more than additional summaries, for liturgical purposes, of the positive content of these decisions. The Tridentine decrees on Scripture, Tradition and original sin were also cast in the form of canons. In the July draft the canons were preceded by a profession of faith in salvation through Christ, but a statement of the Church's teaching had also been squeezed in, and so, by reason of their length, the canons had lost their original character. In the preliminary draft A, the introductory explanations of the antecedents of justification (original sin, significance of the Old Law, the promise of the Redeemer and its fulfilment, the notion of justification) were already described as "chapters". This indicated the motive that prompted the alteration in the preliminary draft B which, when it passed on to the canons, stated that henceforth these would be the norm for the exposition and proclamation of the Catholic conception of justifying faith (*docuerit, praedicaverit, senserit*), in fact preachers were given precise instructions in this sense. Now the whole of the doctrinal content was detached from the canons and summed up in fifteen doctrinal chapters to which no more than eight canons were added. This separation of the positive exposition from the canons was maintained from this time onwards and passed into the final decree, and its origin clearly determines its meaning and purpose. The dogmatic chapters were meant to put an end to the doctrinal uncertainty from which the Church had suffered so long and to replace the preachers' instructions with which the faithful had had to be satisfied, by an official, systematic teaching supported by the authority of the General Council.

Less evident than this formal innovation were the differences in content between this and the July draft—but they did exist. In the July draft canon 9 rejected merit only in the strict sense previous to the advent of grace whereas here it was stated that good works done without faith and prevenient grace “do not in any way contribute to justification” (cap. 5, 7). Instead of the July draft’s ample explanation of man’s freedom (can. 10, 11) there is here only the terse statement that justification must be preceded by an active preparation, proceeding from the concurrence of grace and the human will (cap. 6). There was agreement, of course, that justification does not consist in a declaration of man’s justness, but in his being made just by faith and sacraments (*iusti dicuntur et non modo reputantur, sed reipsa sunt*, cap. 8). On the other hand the next chapter (cap. 9) simply states that faith justifies, of course in conjunction with hope and charity. The “content” of justification is said to consist in the remission of sin through the merits of Christ. Nor is there any divergence in the teaching that justifying grace can be forfeited not only by infidelity but by any grievous sin (cap. 14), and that those who persevere in grace are able to fulfil God’s commandments (cap. 13). But whereas the July draft clearly declared life eternal to be the reward of merit (can. 15), the new draft (cap. 15) describes it as a favour promised and a reward due to us. The canons, only eight in number, are restricted to a condemnation of such errors as constitute a particularly serious danger for Christian life. They were not textually taken from Protestant professions of faith or other Protestant writings, but were quoted in the writer’s own words. The three most important ones, the doctrine of *sola fide*, imputation, and *fides fiducialis*, were compressed into one single canon (can. 4). Can. 1, and the canons of the Councils of Milevum and Orange, which form a final appendix, are aimed at the opposite extreme, Pelagianism.

The whole draft breathed the spirit of the Bible and St Augustine and was formulated in their words. Not one specifically scholastic term was used, nor was any mention made of the doctrinal opinions on concupiscence and faith which were peculiar to Seripando; only the title of the eighth chapter “On a twofold justice”, touched on a doctrine which the Augustinian general had at heart.

Under Cervini’s sustained guidance and assistance the preliminary draft B was elaborated into the September draft with hitherto unheard of care. With the help of his secretary Massarelli, the legate first studied it himself on 29 and 30 August. A fair copy was then made and

submitted to the leading theologians of the great schools and nations represented at Trent. Twice Cervini was consulted by the Spanish Dominican Domíngó Soto and once by each of the following: the Italian Franciscan Francesco de' Patti, the latter's French fellow-Franciscans Jean du Conseil (Consilii) and Richard of Le Mans, by Alfonso de Castro, Lainez and Salmeron. After Massarelli had made another fair copy on 4 September, in which note had been taken of the observations of the above-named, the private consultation of the Fathers began. Three times Massarelli took the decree to the Bishop of Bitonto and to the general of the Servites, who made some detailed comments in the margin; then once to the proctor of the Archbishop of Trier, Pelargus, the only German who took any part in the work; then to the Archbishop of Aix and the general of the Conventuals, Costacciaro, and finally, twice to the Bishop of Fano, recently returned from Rome. In this consultation of the Fathers of the Council, schools and nations, not merely knowledge and ability, were taken into account; thus Massarelli had to make no less than four journeys to the Dominican convent of San Lorenzo in order to obtain Domíngó Soto's opinion on the decree. Soto, as representative of his general, sat on the bishops' bench and was even then regarded as the great luminary of the University of Salamanca.

The legates were fully entitled to report on 10 September that work on the decree had proceeded without interruption, that not only every sentence, but every word, even the smallest, had been weighed, although, as they added in their report on 14 September, this was done "privatamente", that is, without the concurrence of a plenary assembly of the Council and that of the decree-committee appointed by it. Thus it came about that these deputies, with the exception of the tractable Giacomelli, refused to submit the September draft to the Council under their name. Cervini accordingly presented it under his own, not unjustifiably, inasmuch as when the work began he had expounded his ideas to Seripando and had continued to direct it. He cautiously described the draft as a basis for further work (*non consummatum, sed ut incoeptum*). It was not exclusively due to the authority of the legate, but likewise to the quality of the work itself, that in the general congregation of 23 September "scarcely anyone dared open his mouth", as the highly gratified legates reported to Rome. The September draft was and was destined to remain, the foundation on which all further work rested. But how does it compare with Seripando's preliminary draft B?

One alteration strikes the reader at once. By the omission of the doctrinal chapters 5 and 11, and the fusion of chapters 7-10 into one, the number of the doctrinal chapters is reduced to 11, while that of the canons is raised to 21. The effort to differentiate the Catholic from the Protestant conception of justification, in every particular, shows itself in a number of minor alterations and three considerable ones. (1) The contribution of the human factor in the preparation for justification is more positively assessed—as it is in the July draft—inasmuch as only merit in the proper sense of the word, previous to the reception of assisting grace, is excluded (*proprie merita excluduntur*) (cap. 7 corresponding to can. 5), while repentance springing from fear is described as useful and “obedience to God” is accepted, even previous to justification (cap. 6). (2) In this same cap. 6 faith, or more accurately the act of a trustful holding as true, is relegated to the preparatory stage, whereas the preliminary draft B, in connection with the preparation, had spoken of “some kind of faith” (*cum aliqua fide*) and had ascribed justification, in cap. 9, to the divinely bestowed virtue of faith united to hope and charity. (3) Finally out of consideration for the Scotists, justifying grace (*gratia seu charitas*) was conceived as a form inherent in man (*ipsis inhaeret*) (cap. 7). In consequence the teaching of the preliminary draft B concerning a twofold justice was expressly rejected (*non sunt duae iustitiae*) while the assertion that “the one justice through Jesus Christ” renders man truly just before God was clearly taught. One sentence of the preliminary draft, however, remained, namely that Christ’s justice is imparted to us and imputed to us “as if it were our own”, without explanation whether this bestowal or imputation was identical or not with the bestowal of the grace of justification.

These alterations to the preliminary draft, the author of which can no longer be identified, brought the September draft once more somewhat closer to the July one. The condemned formula of justifying faith had been avoided. The Scotists were met to some extent with the new formulation of the chapter on the “disposition” and the Thomists with a more thorough elaboration of sanctifying grace as an entitative elevation, as well as with the condemnation of a twofold justice. However, on one important point the September draft did not move in the direction of the July one. The doctrine of the certainty of grace (cap. 7, can. 7 and 8) retained the form Seripando had given it in the preliminary draft. In accordance with the decision of 29 August he contented himself with condemning the Lutheran doctrine of the identity of the *sola fide* justification with the certainty of one’s personal justification and belief in

personal predestination, because "by reason of personal frailty and inadequate dispositions not every one that confidently trusts that his sins have been forgiven, and in this way sets his mind at rest, can be sure that his sins are actually forgiven". This purely anti-Lutheran formula ruled out the divergences between the theological schools which had made themselves felt in the last days of July.

In the general congregation of 23 September, the Council took in hand the further development of the September draft. It was decided to hear the theologians, not in private—this had been done already—but in the public congregation. In three congregations of theologians held from 27 to 29 September, a specially selected group of 19 divines gave their opinion on the draft, namely 4 Dominicans, 2 Conventuals, 5 Observants, 1 Augustinian, 1 Carmelite, the Jesuits Lainez and Salmeron, and finally three secular priests, one of them a German, Burkhard von Geldern; the nineteenth, who only intervened on 29 September, was the Spaniard Martin Pérez de Ayala, a member of the Order of the Knights of St James, who after a three years' stay in Germany and in the Low Countries had recently arrived at Trent and was staying with Mendoza, the ambassador.¹

De Ayala was one of the very few people who desired a widening of the decree. He complained of the omission of a condemnation of the Anabaptists. This complaint was not altogether unjustified since Anabaptism presented the classical case of the "justification of an adult". With his suggestion that the canons should be completed by the addition of "authorities", that is, proofs from Scripture and Tradition, the Spaniard Herrera showed that he had failed to grasp the meaning of the recent division of the decree into two sections. More to the point were the observations of the Frenchman Du Conseil (Consilii); they were to

¹ The protocol of the congregations of theologians on 27, 28, 29 September has come down in two versions, viz. Massarelli's original text, *C.T.*, vol. v, pp. 431-4, and a fair copy made for the benefit of those engaged in drawing up the decree, *ibid.*, pp. 436-40, to which have been appended the comments of the Servite Mazochi, the Dominican John of Udine and Dr Navarra, though they were not actually delivered. Both versions confine themselves almost exclusively to the proposed improvements without insisting on the arguments alleged in their support. The question frequently asked, whether Massarelli mixed up the votes of Salmeron and Lainez in his fair copy must probably be answered in the affirmative with Ehses. It may be granted with Pas, *Ephem. theol. Lovan.*, xxx (1954), p. 21, that when Miranda gave his vote he was not quite "au courant de l'affaire" since later on, 18 October, he rejected a twofold justice; but the text is clear. For Ayala, whom we meet here for the first time at the Council, cf. H. Jedin, "Die Autobiographie des Don Martin Pérez de Ayala", *Spanische Forschungen der Görres-Gesellschaft*, xi (1955), pp. 122-64; Ayala's intervention between September and October 1540, pp. 130 f.

the effect that the canons should be arranged in a better order: first those directed against Pelagius, then those aimed at Luther, etc. Equally opportune was the remark of Richard of Le Mans, that the preparation for justification described in chapter 6 should not pass over in silence the extraordinary dispensations of divine grace. The Carmelite Vincent de Leone put the Fathers on their guard against a condemnation of the *sola fide* formula without supplementing it with an accurate explanation of its meaning, on the ground that it is also found, though in another sense, in the writings of many Fathers, for instance, in those of St Hilary of Poitiers, and in those of some other Catholic theologians. The suggestions for improvement of chapters 6 and 7 of the draft brought to the surface the divergent views of the schools on the consequences for human nature of original sin and for nature's ability to fulfil the moral law, as well as on the relationship between sanctifying grace and charity. Du Conseil's standpoint, that the chapter on the certainty of grace "should condemn Luther alone", as foreseen by the draft, was not shared by all the theologians. To strict Scotists such as Magnani and Moncalvi the condemnation seemed to include too much, namely the certainty of predestination which in view of their conception of predestination they held to be possible, whereas Salmeron, on the contrary, insisted on the exclusion of every possibility of the certitude of grace; he also demanded that the words "not every one . . ." quoted above, should be altered to "no one". Bartolomeo de Miranda was the only advocate of a twofold justice. He was opposed by Lainez who demanded the removal of the very last trace of this doctrine which had survived in the preliminary draft, namely the clause about the imparting and imputation of Christ's justice.

If we would appraise the amount of intellectual precision-work that lies behind the wearisome lists of suggestions for the improvement of the text, every individual proposal made by the theologians should be studied in its relation to the context. The theologians had drawn up their memorials with the utmost care and had not indulged in any kind of hair-splitting. But the decisive pronouncement was only made by the fifty-eight Fathers of the Council who expounded their votes, most of which had been worked out in writing, in nine general congregations, from 1 to 12 October.¹ It became evident that the patient care with

¹ The protocols of the nine general congregations from 1 to 12 October (there were none on 3, 4 and 10 October) contain no less than 18 original votes, *C.T.*, VOL. V, pp. 442-97. Severoli, *C.T.*, VOL. I, pp. 103-8, followed this dogmatic debate more closely than was his custom because he reckoned with the opposition of the imperial party. Of an unseemly haste, with which Mendoza reproached the curial party on

which Seripando in the first instance and afterwards Cervini and his collaborators had polished and filed the draft, had not been expended in vain.

"This decree has been drawn up with such exquisite skill and in so masterly and scholarly an order that I cannot withhold my sincere admiration from it." This judgment of the Archbishop of Palermo was, on the whole, also that of the Council. In point of fact De' Nobili thought that precisely on account of the subtle refinement of its wording the decree would only be understood with difficulty, even by theologians, not to speak of the unlearned. The separation of the canons from the positive, doctrinal matter met with general approval; only a very small number of prelates desired a fusion of those doctrinal chapters and canons which coincided by reason of their content. To the wish expressed by several theologians that the description of the first and second justification in chapters 4 and 5 should be replaced by a precise definition, the Archbishop of Aix opposed Canon Law's well-known shyness of definitions, and the Bishop of Syracuse countered the proposal with the contrary practice of the Councils. It was easy to perceive that the majority favoured a shortening of the decree rather than an extension—perhaps by omitting the condemnation of the Manichees. (Archbishop of Aix.) Where would the Council have got to if its decree had taken notice of all Luther's theses which were read out in the congregation of 6 October by the controversial theologian Ambrosius Catharinus who, as the newly appointed Bishop of Minori, near Salerno, was now entitled to a vote? The prevailing impression was that the decree would be ripe for publication within a comparatively short time and without the necessity of having it read once more in the general congregation. "If all the universities of the world and the Lutherans as well were here, the subject could not have been more thoroughly discussed than has been done", Lippomani reported to Rome on 9 October. The most convincing proof of the high quality of the

5 October, VOL. XI, p. 71, l. 3, there is no trace.—Like the Bishop of Palermo, VOL. V, p. 453, l. 1, the Bishop of Fiesole also spoke favourably of the draft, *ibid.*, p. 456, l. 4: "non video quid sit, quod in eo iure reprehendi possit", while the Bishop of Sinigaglia, *ibid.*, p. 462, l. 18, described it as "perfectissimum". Severoli's statement, *C.T.*, VOL. I, p. 103, l. 23: "mirum in modum laudaverunt" is therefore not exaggerated. De' Nobili's remark about the excessive subtlety of the language, VOL. V, p. 454, l. 22; the warning of the Bishops of Aix and Syracuse against a sharp definition of justification, *ibid.*, pp. 445, l. 46; 465, l. 34. The summing up by the legates in their report of 13 October, VOL. X, p. 684, l. 1; Lippomani's impression, *ibid.*, p. 675, n. 1. The Bishop of Fano's claim that he would be able to delay the completion of the decree on justification for a whole year is taken from Vida's letter to Gonzaga, dated 13 August 1546. State Arch. Mantua 1915, or.

draft was the fact that the imperial party was unable to make capital out of its weaknesses and so force a prolongation of the debate. While the fate of the July draft was still undecided, the Bishop of Fano boldly declared that he would keep the discussion on justification going for a whole year; however, now that he was back from Rome, sickness condemned him to silence. But even if he had been in a position to take part in the general congregations, he would scarcely have succeeded in such an enterprise.

Only the controversy about the certitude of grace came to life again. The general of the Conventuals felt that insufficient account was taken of the Scotist notion while, on the other hand, Pacheco and the Bishop of Lanciano demanded the exclusion of any kind of certitude, as had been foreseen in the July draft. Their offensive was obviously prompted, not by the fact that they belonged to the imperial party, but by their Thomist outlook. A political motive might be more readily ascribed to Pacheco's proposal that a list of all Lutheran errors should be drawn up—but of this also there is no proof.

Theological thought follows its immanent logic. It was not a member of the opposition but one of Cervini's closest associates who raised a problem the discussion of which was destined to delay the conclusion of the debate for many weeks. In his vote of 8 October, Seripando did not insist on points of detail—these he promised to submit in writing—but he put this weighty question to the assembly: "Is the teaching of certain Catholic theologians in Italy and Germany (he mentioned Cajetan, Contarini, Pighius, Pflug and Gropper) to the effect that man is made just by a twofold justice, the one his very own the other Christ's, to be rejected as unreservedly as is done in the seventh chapter of the draft which has been submitted?" The antecedents of the draft make it clear that when Seripando put this question he was not advocating other people's opinions. His ultimate object was to get his own notion of justification discussed, that is, the notion which had been eliminated from the preliminary draft but which breaks through at least in one part of the September one. Seripando's view may be summed up in a tripartite question:

(1) "In the final justification, when man appears before God's judgment-seat, must not Christ's perfect justice make up for the imperfections of his own achievement?" (2) "Does not Christ's justice, over and above the application of his merits through the remission of sin and the restoration of grace, become our justice also, not as a 'form', in the scholastic sense, but by participation?" (3) "Is

the Council justified in condemning the teaching of Catholic theologians who have nothing in common with Luther, Bucer and Calvin, and who are in a position to appeal to St Augustine and St Bernard of Clairvaux?" For Seripando these questions were no mere problems of technical theology; his discourse, perfect as to its literary form, quivered with all the subdued passion of a man fighting for the life of his spirit.¹

Before him only two speakers had briefly touched on the question of a twofold justice, namely Musso and Costacciaro, whose opinion on the draft Cervini had sought at the beginning of September. Since they now pronounced in favour of its rejection, we may assume that they were aware of the alterations in the preliminary draft, if they had not actually occasioned them. Ambrosius Catharinus's list of errors also betrays a special interest in this question. After Seripando's vote on 8 October no one sought to avoid it. The two speakers on the following day, Bonuccio and Soto, who had also been consulted at the beginning of September, spoke in less unfavourable terms, it would seem, than Pacheco and the Archbishop of Armagh did on 11 October and Seripando's personal friend Galeazzo Florimonte, Bishop of Aquino, on the 12th. The Council was obviously under the impression that a question had cropped up which would have to be thoroughly examined once more. It was not the case that any serious doubts about the fundamental principles of the Catholic doctrine of justification had arisen in the mind of its members. They all conceived it as an entitative, supernatural elevation, through sanctifying grace and the meritoriousness of good works performed in a state of grace. Ultimately the only question was the formulation of an acknowledged element of Christian

¹ Seripando's vote of 8 October, masterly as to its form ("diffuse, eleganter, egregie", Massarelli writes), *C.T.*, VOL. V, pp. 485-90, must be supplemented by the tract of a later date, entitled *Pro confirmanda sententia de duplici iustitia catholicorum quorundam doctrina*, VOL. XII, pp. 664-8. In their report of 9 October, VOL. X, p. 674, l. 9, the legates say that they remained neutral but it is clear that the vote was unwelcome. In Rome the impression prevailed that Seripando had sharply criticised the decree ("c'ha a molte chose contradetto"), *ibid.*, p. 909, l. 7. That on 9 October Soto did not as yet completely reject Seripando's thesis is shown by a comparison of the protocol, VOL. V, p. 491, l. 17, with Severoli, VOL. I, p. 106, l. 5. In both accounts there is question of a participation in the justice of Christ *pro quantitate gratiae et operum*, viz. *secundum mensuram fidei et operum nostrorum*. On the other hand Pacheco, VOL. V, p. 492, l. 10, would not have quoted the Bishop of Bitonto and Soto in the same breath in favour of one justice if the latter had not parted company with Seripando in the course of further comments which Massarelli has not reproduced. Florimonte's friendship with Seripando (cf. Jedin, *Seripando*, VOL. II, pp. 292 ff.) explains why the former, in the first part of his vote, speaks in favour of a discussion of the problem while in the second part he rejects Seripando's solution, *C.T.*, VOL. V, pp. 495 f. Severoli has only noted this second part, VOL. I, p. 106, l. 21.

piety, namely the relation of the justified to Jesus Christ, his Saviour. Since a new drafting of the decree—one that would take note of the many suggestions for its improvement—would take time, the legates decided to submit for discussion by the theologians the question of a twofold justice together with the long-standing, but as yet unsettled question of the certitude of grace. They were all the more willing to put up with this delay as at this very time they were awaiting a papal decision about the future of the Council. On 15 October they accordingly submitted two questions to the theologians: (1) “Has the justified, who has performed good works in a state of grace and with the help of actual grace—both of which stem from the merits of Christ—and who has thus preserved inherent justice, so completely met the claims of divine justice that when he appears before the judgment-seat of Christ he obtains eternal life on account of his own merits? Or is he in need, in addition to his own inherent justice, of the mercy and justice of Christ, that is, of the merits of His Passion, in order to supplement what is wanting to his own personal justice? and this in such wise that this justice is imparted to him in the measure of his faith and charity?” (2) “Is it possible, in view of one’s actual justice, to have a certitude of being in a state of grace? And what kind of certitude?”¹

¹ The protocol of the ten congregations of theologians on the two questions on 15-26 October, *C.T.*, VOL. V, pp. 523-633, includes no less than 22 original votes, and two others must be added to them, viz. that of Salmeron, first published by Ehses in *R.Q.*, XXVII (1913), pp. 129*-145*, and later on, on the basis of a better manuscript, by J. Olazarán in *Estudios ecles.*, XX (1946), pp. 211-40, and that of the French secular priest Hervet, edited by J. Olazarán in *Arch. teol. Granatino*, IX (1946), pp. 127-59. The legates admit in their report of 13 October that they had submitted the certitude of grace for discussion solely at the request of a number of prelates of their party and not because they judged it to be necessary (“non parerci essentialmente necessaria”); but the question of the twofold justice was, on the contrary, “molto essenziale et necessaria d’essere ben dichiarata nel decreto”, *C.T.*, VOL. X, p. 684, l. 10. On 22 October the legates acknowledge the fact that the congregations “riescono più lunghe di qual (probably *quel*) che si pensava”, *ibid.*, p. 698, l. 3, though they were satisfied with the result, *ibid.*, p. 706, l. 9 (“si son dette di belle chose”).—In the last days of October Mazochi defended his vote against the certitude of grace, *C.T.*, VOL. V, pp. 581-90, against Castro and probably also against Vega in a treatise, VOL. XII, pp. 690 ff. The *Summarium* of the discussion on the certitude of grace, *ibid.*, pp. 693-703, composed by an unnamed Thomist, reports on the votes of several theologians and has therefore a value of its own. Its counterpart is the *summa sententiarum* of a Scotist, edited by J. Olazarán in: *Arch. teol. Granatino*, XII (1949), pp. 287-330; the quotation occurs on p. 295. The votes of the three Roman theologians on the two articles, *C.T.*, VOL. XII, pp. 685-90, only reached Trent on 24 November, VOL. X, p. 719, l. 29. The count of the votes in the *Summarium*, VOL. V, p. 632 f. (21 for, 14 against the possibility of a *certitudo fidei*) is inaccurate. Rückert, *Rechtfertigungslehre*, p. 207, n. 2, reaches the result of 19 (20) against 15. In order to complete the necessarily very summary account of the debate in the text I must draw attention to the extraordinarily copious literature on the subject: J. Olazarán, “Documenti cattolici antiprotestanti precursori della

We begin with a study of the second question because, however great its interest may have been for the reformers' mentality, and even more so for the modern mind, it was of little significance for the definitive formulation of the decree on justification. For Luther faith justifying by itself alone was also faith in one's personal justification, hence the certitude about one's salvation was a duty enjoined by faith. Catholic theologians started from the fact that supernatural grace, produced by God in man, cannot be the object of psychological experience since it enters into the natural essence and the natural activity of the soul in such wise as to be indistinguishable from them in actual psychological reality. There was general agreement that an experimental certitude in this sense was impossible, but there was likewise substantial agreement that by a special supernatural illumination, that is by a private revelation, God may give an individual a certitude of his salvation. The question was whether a man in a state of grace can only arrive at a certitude—only a moral one of course—of his being in such a state by a process of self-observation, of his abhorrence of evil, his love of what is good, a behaviour in accordance with God's will of which he is conscious, or whether by Baptism, or the sacrament of Penance, which convey grace to such recipients as put no obstacle in the way, he may, and even

dottrina sulla certezza della grazia nel decreto tridentino sulla giustificazione", *Il Concilio di Trento*, I (1942-3), pp. 337-55; H. Huthmacher, "La certitude de la grâce au Concile de Trente", *Nouvelle Revue théologique*, LX (1933), pp. 213-26; A. Stakemeier, *Das Konzil von Trient über die Heilsgewissheit* (Heidelberg 1947); F. J. Schierse, "Das Trienter Konzil und die Frage nach der christlichen Gewissheit", *Weltkonzil von Trient*, VOL. I, pp. 145-67; F. Buuck, "Zum Rechtfertigungsdekret. Die Unterscheidung zwischen fehlbarem und unfehlbarem Glauben in den vorbereitenden Verhandlungen", *Weltkonzil von Trient*, VOL. I, pp. 117-143; G. des Lauriers, "Saint Augustin et la question de la certitude de la grâce au Concile de Trente", *Augustinus Magister* (Paris 1954), VOL. I, pp. 1051-67.—For the origin of the Scotist teaching see J. Auer, "Die 'scotistische' Lehre von der Heilsgewissheit", *Wissenschaft und Weisheit*, XVI (1953), pp. 1-19; V. Heynck, "A Controversy at the Council of Trent concerning the Doctrine of Duns Scotus", *Franciscan Studies*, IX (1949), pp. 181-258; *id.*, "Die Beurteilung der *conclusio theologica* bei den Franziskanertheologen des Trienter Konzils", *Franziskan. Studien*, XXXIV (1952), pp. 146-205, also, pp. 148 ff., an excellent account of the course of the discussion; *id.*, "Zur Kontroverse über die Gnadengewissheit auf dem Konzil von Trient. Ein bisher unbeachtetes Gutachten des Franziskanerkonventualen Jacobinus Malafossa", *Franziskan. Studien*, XXXVII (1955), pp. 1-17; M. Oltra Hernández, *Die Gewissheit des Gnadenstandes bei Andreas de Vega* (Düsseldorf 1941), in an enlarged form, in Spanish under the title: *La certeza del estado de gracia según Andrea de Vega* (Madrid 1945). On the controversy after the Council: Beltrán de Heredia, "Controversia de certitudine gratiae entre Domínguez de Soto y Ambrosio Catharino", *Ciencia Tomista*, LXII (1941), pp. 181-258; J. Olazarán, "La controversia Soto-Catharino-Vega sobre la certeza de la gracia", *Estudios ecles.*, XVI (1942), pp. 145-83. For the attitude of the Carmelites: L. Loriseno, "I Carmeliti e la certezza dello stato di grazia nel Concilio tridentino", *Carmelo*, 1954, pp. 111-41.

must arrive at a certitude of faith of his being in a state of grace, though in this context the word "faith" is not understood in the sense of *fides theologica* in the strict sense but in a wider acceptance. The latter teaching was usually described as Scotist, although Duns Scotus, when treating of the sacrament of Penance in his Oxford commentary on the *Sentences*, only refers to it as a possibility, while in another passage he expressly rejects any kind of intellectual certainty of one's being in a state of grace. The "sacramental argument", that is, a certitude based on the objective efficacy of the sacraments, had actually been hinted at in the writings of a number of Fathers of the Church and had been made use of by the early scholastics, from Anselm of Laon and Peter Lombard, but it was only developed after 1300 by the Dominican Peter de Palude and Durandus de S. Porciano. It was fully worked out and integrated in the scholastic tradition by the Franciscans Walter of Chatton (1322-3) and Anfred Gonteri (*circa* 1325). However, it was not an uncontested element of this school's traditional teaching, for one of the things the conciliar debate brought to light was that the doctrine of the "certitude of faith" of the state of grace was not without opponents within, and adherents without, the Franciscan Order.

In the course of the July debate Grechetto had strongly contested the claim that Scotus actually held the opinion with which he was credited. At that time the doctrine had been supported by the generals of the Conventuals and the Servites as well as by the Benedictine Abbot Luciano degli Ottoni, though the latter made certain reservations. In the October debate the seven Conventuals and the four Observants within the Franciscan family who adhered to it were only opposed by four Observants, but all of them luminaries of their school. They were Castro and Vega at Salamanca, Le Mans and Du Conseil in Paris. In November they were joined by three Franciscan bishops, namely Musso, Antonio de la Cruz and Grechetto. They were also supported by a memorial drawn up by the occupant of the chair of Scotist theology at Padua, Jacobinus Malafossa. The Dominican theologians consistently rejected the *certitudo fidei*, as the Scotist opinion was called (somewhat awkwardly on account of the assonance with Luther's teaching) but Ambrosius Catharinus went his own way on this as on so many other questions. The three Carmelites sided with the Franciscan majority while the votes of the secular priests were divided. Thus the divergence cut right across the Orders as well as across the schools; at bottom it arose out of a different conception of the nature of *certitudo fidei*.

One of their opponents, the Dominican Gaspar a Regibus, defines it precisely as a certitude unmixed with error (*cui non potest subesse falsum*), and argues as follows: We are bound to believe with an unerring faith that the sacraments procure for us grace. But they do this on the one condition that the recipient puts no obstacle in the way, in other words, that he is suitably disposed. But since this condition is subject to human frailty, there can be no certainty of faith in the sense explained above, but only a moral certitude, which does not preclude self-deception. The testimony that we are God's children of which St Paul speaks: "The spirit himself giveth testimony to our spirit that we are the sons of God" (Rom. VIII, 16), is no new revelation on the part of God, it is "an exultation compounded of fear and joy at one and the same time".

The Scotists' *certitudo fidei* is of a different kind: it consists in holding something to be true, but the certitude thus obtained does not attain to a certainty guaranteed by experience. "We are perfectly capable of ascertaining whether we are properly disposed for the reception of a sacrament", says the Conventual Filippo Braschi of Faenza. Now since faith gives us "an infallible guarantee that grace is bestowed through the sacrament, we possess not indeed knowledge, but 'a certitude of faith', which stems from and rests upon faith, that we are in a state of grace." Yet another Scotist author sums up this teaching in these terms: "The sacraments of Baptism and Penance procure a certitude of grace which rests on faith and belongs to the sphere of faith (*certitudinem gratiae ex principio fidei*)." It is easy to see that this *certitudo fidei* has nothing in common with the Lutheran *fides fiducialis*.

It did not escape the clear-sighted Servite Mazochi that there was not in reality a very great distance between the two standpoints and that if the theological parties were at cross purposes, it was due to a difference in their terminology. The *certitudo fidei*, the possibility of which Mazochi granted, is essentially nothing else than the moral certainty which its opponents never denied. He is of opinion that in all probability all the just have a sure knowledge of their being in a state of grace, that, in fact, they are even bound to cherish such a certitude when receiving the Holy Eucharist and in the hour of death, though ultimately this too remains *donum Dei*.

Numerically the adherents of the Scotist opinion were in a slight majority over their opponents (19:15). However, a numerical majority was without decisive significance in the theological congregations since at these gatherings there was no counting of votes but only a weighing of arguments. Neither of the two groups had succeeded in

persuading the other and the three memorials of Roman theologians that have come down to us were also divergent. The Master of the Sacred Palace and John Anthony Pantusa, Bishop of Lettere, denied the certitude of grace while the Apostolic Sacristan, John James Barba affirmed it. There can be no doubt that the theological discussion made a valuable contribution towards a deeper understanding of the problem though next to nothing of it went into the decree on justification which kept to the anti-Lutheran line of the September draft. The theological contest between Soto and Vega on one side, and Catharinus on the other, accordingly continued with unabated violence.

Absolutely unequivocal and of far greater bearing on the framing of the decree was the theologians' answer to the first of the two questions submitted to them on 15 October, that is, the question of a twofold justice. Its formulation differed from that suggested by its spiritual begetter, Seripando. The difference that decided the result of the discussion lay in the different conception of "personal justice"—*iustitia inhaerens*. In his formulation, Seripando identified it with the good works done in a state of grace (*ex sua inhaerenti iustitia, seu ex operibus suis in gratia factis*), hence in his view it is not sanctifying grace that is inadequate and in need of further perfecting, but rather those actions which the justified has performed by a spontaneous use of the energy derived from grace, and this on account of the evil concupiscence which remains active in him. That is why he did not view "the imparting of Christ's justice in proportion to faith and charity", in the final justification, when the activity of life is concluded, as yet another application of the merits of Christ in addition to that already realised in the first justification, but rather as a participation in the infinitely meritorious justice of Christ, when God's mercy (not Christ's, as in the question) gathers this justice and the good works of the just into one. As the question was put it contained two further queries, namely does the possession of sanctifying grace so satisfy God's justice as to enable us to acquire both merit and eternal life? Or does one in grace require, over and above this grace, a further gracious act on the part of God which would supplement the deficiencies of *iustitia inhaerens* by drawing on the merits of Christ? The first part of the question turned on the value of merit, the second on the need of a further application or imputation of Christ's justice in the final justification.

The way the question was stated explains why an overwhelming majority of the theologians consulted—thirty in all—answered the first part of the bipartite question in a clear affirmative and the second in the

negative: only six answered in the opposite sense and one answered both questions in the affirmative.¹

The only ones to defend a twofold justice as understood by Seripando were the three Hermits of St Augustine, Aurelius of Rocca Contracta, Marianus of Feltre and Stephen of Sestino. Aurelius obviously depends most closely on his master; of Marianus we only have the few lines of the protocol, but Stephen carries the train of thought of the Augustinian tract on a perfect justice and that of Gropper's *Enchiridion* a step further. By inherent justice all three, like their general, understand all that man has achieved in his lifetime in and through grace. This performance is only perfect if God's law has been fulfilled in its entirety; only then is it consummate justice. But since human frailty, in other words concupiscence, prevents its realisation (bipartite question *a*), when the justified stands before the divine judgment-seat the perfect justice of Christ, who fulfilled the law on our behalf, must be imputed to him (bipartite question *b*). For Stephen this imputation is a postulate of practical piety: "Do not let us talk of transcendental matters, let us not attempt to square the circle, but let us speak in the light of our own experience." Personal experience and the experience of the Saints (he quotes words of St Augustine, though they are actually those of St Anselm of Canterbury and of St Bernard of Clairvaux) teach us that when the Christian reflects on the dreadful judgment to come, he has recourse to

¹ The sources of the discussion on a twofold justice have been indicated in the preceding note; here Massarelli's counting of the votes, *C.T.*, VOL. V, p. 632, is not accurate, cf. Jedin, *Seripando*, VOL. I, p. 398, *n.* 1 (Eng. edn., p. 363, *n.* 54); I no longer count Moncalvi and Ayala with the undecided. For the votes of the three Augustinians discussed in the text, cf. for Aurelius of Rocca, *C.T.*, VOL. V, pp. 561-4; for Stephanus of Sestino, *ibid.*, pp. 607-11; for Marianus of Feltre, *ibid.*, p. 599 (only seven lines). For Mazochi's vote, *ibid.*, pp. 581-90; that of Sarra, which it is not easy to interpret, *ibid.*, pp. 547 ff.; for that of Solis we have only the jejune protocol, *ibid.*, p. 576, l. 31. Lainez' vote already printed in H. Grisar, *Lainii disputationes Tridentinae*, VOL. II (Innsbruck 1886), pp. 153-92, is fully discussed by Rückert, *Rechtfertigungslehre*, pp. 245-53; M. González, "La actuación de D. Lainez en el concilio de Trento"; *Miscelanea Comillas*, II (1942), pp. 367-91; F. Cereceda, *Diego Lainez*, VOL. I, pp. 248-53. Miranda's observations on Corpus Christi mysticum, in *C.T.*, VOL. V, p. 551, l. 19; Navarra's, *ibid.*, p. 557, l. 22; Taborel's, p. 630, l. 24; Herrera's demand for a formal condemnation of the twofold justice, *ibid.*, p. 602, l. 39. Of the tracts about the twofold justice only that of Cardinal Pole belongs to the period of the theologians' discussions, *C.T.*, VOL. XII, pp. 671-4; it was probably brought to Trent by Morilla shortly after 9 October together with the annotations to the September draft, VOL. X, p. 685, *n.* 3. Massarelli made a copy of it on 16 October, VOL. I, p. 580, l. 17. Literature: Rückert, *Rechtfertigungslehre*, pp. 217-56; J. Henninger, *Augustinus et doctrina de duplici iustitia* (St Gabriel 1935); H. Jedin, *Seripando*, VOL. I, pp. 396-408 (Eng. edn., pp. 361-73); E. Stakemeier, *Der Kampf um Augustinus auf dem Tridentinum* (Paderborn 1937), pp. 152-206; P. Pas, "La doctrine de la double justice au Concile de Trente", *Ephem. theol. Lovan.*, xxx (1945), pp. 5-53.

God's mercy and the merits of Jesus Christ. Another Augustinian Hermit, Gregory of Padua, similarly appealed to the personal experience of Christians. In theory he rejected the doctrine of the insufficiency of inherent justice but in practice he advocated the imputation of the justice of Christ for, he asks, which of us, when he considers his own life, will presume to assert that he has adequately satisfied every one of God's demands? As well as by these Hermits of St Augustine the doctrine of a twofold justice was also maintained by the Spanish secular priests, Antonio Solis and Pedro Sarra and by the Servite Mazochi. The latter's detailed vote must be analysed: "When I speak to scholastics as a scholastic", this theologian, whose thought was coloured by nominalism, explains, "I find that charity considered not formally as a token of divine sonship but in its own essence, is not an equivalent of eternal beatitude and is therefore unable, in spite of all the works done under its inspiration, to make us partakers of it." However, this scholastic deduction does not clinch the issue. The ordinary Christian is warned by Scripture and the devout priest by the Breviary which he reads day by day, not to trust in his own justice but, on the contrary, to rely with the utmost confidence on Christ our Lord. What would be St Paul's answer if these two questions were put to him? "Draw nigh unto God", he would say, "with complete confidence, not because you imagine that you have reached the goal by your good works, even if you have such works to your credit, but by the faith and through the faith given by Christ, 'who died for us, the just for the unjust'." Mazochi, as well as Hervet, regard the two questions, namely a twofold justice and certitude of grace, as interdependent. If we can have no certitude of our being in a state of grace, shall we not, when we come to die, be thrown into despair if we cannot have recourse to Christ's justice?

Though Christian consciousness appears to lend strong support to the adherents of a twofold justice, the actual weakness of that support appears as soon as it is examined in the light of strict theology. Theology furnishes not a single proof for the necessity of a fresh application or imputation of the justice of Christ in man's final justification. Seripando himself denied it emphatically and avoided every expression that could be understood in that sense. By the terms of the official question it was inevitable; but in that case grace was no longer grace for it did not lead to glory, nor was merit any longer merit since it gave no claim to heaven. In the Catholic conception sanctifying grace, identified in the question with *iustitia inhaerens*, precisely brings about that ontological union with Christ—that communion between Head and members—

which makes it possible for us to be acknowledged as God's children and renders works done in a state of grace meritorious, in spite of their imperfection. Already in the first congregation on 15 October the Friar Observant, Lunello, had pointed out that sanctifying grace is the pledge of our heavenly inheritance; if it were otherwise the just would be at one and the same time both just and unjust. The possession of sanctifying grace is our claim to the inheritance of the children of God; with it and through it we are also in possession of Christ's justice. The connection of the two justices is illustrated by means of several comparisons. Their mutual relation is said to be like that of the ray of light and the sun, the brook and the spring, the grape and the vine, the olive branch and the tree. The Dominican Gaspar a Regibus who had also used this last simile, asks himself the question: "Whose is the justice with which I appear before God?" and his answer is: "It is mine and it is also Christ's." Hence *iustitia inhaerens* and *iustitia Christi* may not be separated. The final and only satisfactory solution of the problem thus raised lies in the fact of Christ's mystical body, to which three of the opponents of a twofold justice draw attention, namely the Dominican Bartolomeo de Miranda, the secular priest Andreas Navarra and the Carmelite Nicholas Taborel.

It is not to be denied that in their eagerness to bring out the equivalence of the merit of works done in a state of grace and the reward due to them, some of the opponents of a twofold justice go a very long way. Thus for instance Ludovicus Vitriarius, a Franciscan Observant, imagines the following dialogue between God and the soul: God: "What is thy demand?" The soul: "I ask for eternal life." God: "Why?" The soul: "Because thou art bound to grant it to me." God: "By what law?" The soul: "In accordance with thine own law: 'for thou wilt render to every man according to his works' " (Ps. LXI, 12; LXII, 12, R.V.). On the other hand Richard of Le Mans styles the man a pharisee who boasts of his good works before God's judgment-seat.

The most comprehensive refutation of the doctrine of a twofold justice and the one that made the deepest impression was presented by the Jesuit Lainez. His discourse of 26 October, the text of which fills seventeen quarto pages in Ehses's edition, must have taken at least two hours to deliver. With keen logic Lainez examines the inner structure and the consequences of the doctrine from every angle. He does not deny the inadequacy of human achievement but rejects the conclusions drawn from it: the throne of divine justice must not be turned into a throne of mercy. The doctrine in question is prejudicial to the nature

of grace and merit and leads to a denial of Purgatory where the imperfections of those who die in a state of grace are atoned for. Previous to Lainez, Salmeron had noticed another untenable consequence: "Do not our actions lose all significance", he asked, "if Christ's justice is universally imputed?" but when he asked this question he forgot that what was claimed was that this imputation of Christ's justice was "according to the measure of faith and charity", hence in accordance with the supernatural level attained by man.

There was no shrewder opponent of the doctrine of the twofold justice than Lainez, yet it was not he who overthrew it: it had already been defeated by the time his turn came to speak. The strongest arguments in the opposite sense had already been brought forward in the first days of the debate by the Carmelite Vincent de Leone, the Franciscans Lunello, Richard of Le Mans and Jean du Conseil. By 16 October du Conseil confessed that he had been so impressed by their arguments that he had abandoned his original view. The Dominicans were unanimous in rejecting it, as were the Franciscans, though their Scotist conception of merit might more easily have proved a bridge to the alleged insufficiency of inherent justice. Thus Lainez merely sealed a judgment that had already been pronounced.

One very effective argument of the opponents of the doctrine of a twofold justice, and a dangerous one for the persons of those who held it, was the fact of its novelty: "I know no doctor who taught it", the Florentine Conventual Tomasini observed, "nor did I find it in Scripture." Hervet described it as "newly excogitated", and Herrera as "novel and unknown to the Fathers". Was not Luther its real author?

Lainez was not alone in stamping it as Lutheran. Already in the general congregation of 12 October Del Monte had been obliged to protect Seripando against the suspicion that his teaching was heretical, but Herrera alone pressed for an explicit condemnation in the course of the congregation of theologians. As a matter of fact the formula of a twofold justice was a novelty.¹ Its author was Johann Gropper, a

¹ For the origin of the doctrine of a double justice: S. Ehses, "Johann Groppers Rechtfertigungslehre auf dem Konzil von Trient", *R.Q.*, xx (1906), *Gesch.* pp. 175-88, in the main only treats of the course of the controversy at Trent and is out of date. That Pighius was not the inventor of the formula I have demonstrated in "Studien zur Schriftstellertätigkeit Albert Pigges", pp. 96-123. For Gropper, see W. Lippens, *Kardinal Johannes Gropper und die Anfänge der katholischen Reform in Deutschland* (Münster 1951), pp. 85-116; also Gropper's defence against the third Louvain censure of the *Antididagma*, in W. van Gulik, *Johannes Gropper* (Freiburg 1906), pp. 211 ff., where one perceives at once that here the same problem is met with as at Trent. Further literature in H. Jedin, *Seripando*, vol. I, pp. 373 ff. (Eng. edn., pp. 335 ff.).

theologian of Cologne, who was inspired by the highly estimable motive of building a bridge between the Catholic and the Lutheran doctrine of justification. Albert Pighius, who was usually regarded as its first exponent, had only taken over the doctrine from Gropper. In accordance with his teaching on the nature of original sin, Gropper had conceived justification as the imputation of the one justice of Christ. Contarini had borrowed the formula from him and defended the Ratisbon formula in his *Epistle on justification* (cf. VOL. I, p. 382). The Pope had neither approved nor expressly condemned the Ratisbon formula of reunion which could not be described as Lutheran, for Luther would have none of it; it was actually the result of the Catholic discussion of Luther's theology and to that extent Seripando was justified in describing the controversy about it as a discussion among Catholics. On the other hand it was no less incontestable that it owed its origin to none other than Luther.

Much more difficult to answer is the question whether the matter under discussion must be regarded as entirely new. It can scarcely be denied that at the very least Seripando's conception of concupiscence and justification link up with certain Augustinian notions. Seripando neither was, nor wished to be, an innovator. His weightiest authorities were the Scriptures and St Augustine, not the contemporary divines whom he quoted. His aversion for the teaching on "habits", his dynamic conception of grace as the entelechy of "the justification of works", stamped him rather as a traditionalist who, not wholly satisfied with the results of the great scholastics' teaching on grace—a teaching with which, in contrast with Luther, he was well acquainted—was not prepared to accept the definitions of the scholastic system as an exhaustive expression of the fulness of life opened out by the New Testament.

Not proven, and scarcely capable of proof, is the hypothesis that Seripando was the most prominent upholder and exponent of a school-tradition of his Order so that he and his fellow Augustinian Luther were as two branches on one and the same tree.¹ If the

¹ A. V. Müller has sought to prove by means of several publications (list in E. Stakemeier, *Der Kampf um Augustin auf dem Tridentinum* (Paderborn 1937), p. 241) the existence of a late medieval Augustinian school (Simeone Fidati da Cascia, Hugolin of Orvieto, Agostino Favaroni, Jacopo Pérez de Valencia) and Luther's dependence on it, but his efforts were in vain. Here there is question of the dependence of Seripando and the Tridentine Augustinian theologians on the theology of their Order which could only be pointed to but not answered both by myself, in *Seripando*, VOL. II, pp. 250 ff., and by E. Stakemeier, *Kampf um Augustin*, pp. 22-60, owing to the lack of satisfactory preliminary researches. Only Gregory of Rimini and Hugolin of Orvieto are fre-

Augustinian general Agostino Favaroni (d. 1443) betrays certain affinities with the Augustinian school of Trent, as Simeone Fidati da Cascia (d. 1348) had done before him, and Jacopo Pérez de Valencia (d. 1490/1) was to do after him, we must remember that as Augustinians these men studied the works of St Augustine—and we may add, the early Augustinian scholasticism—with particular keenness, but by the side of cognate ideas and turns of speech there are also far-reaching divergences. The relatively uniform attitude of the Augustinian Hermits at Trent does not postulate the survival of a late-medieval Augustinian school; it is readily accounted for by the Hermits' pre-occupation with St Augustine and by the prestige of a man of such outstanding intellectual stature as was the general of their Order, Seripando. The cognate notions of some other contemporary Augustinian divines, such as Ambrose of Padua, Julian of Colle, Agostino Moreschini and the German Johannes Hoffmeister, must be traced back to the same sources and circumstances. Shortly before the opening of the Council of Trent a comprehensive collection of the pertinent works of St Augustine had been published at Venice by the Augustinian Fregoso. The work, in three volumes, was dedicated to Seripando, the general of the Order.

When one considers the tangible results of the theologians' congregations held between 15 and 26 October, one may feel inclined to regard them as a deviation, or at least as a digression. The discussion of the certitude of grace which remained undecided merely confirmed the principle of the self-imposed limitation which had been agreed to at the general congregation of 29 August. The unequivocal rejection of the doctrine of a twofold justice confirmed the corrections which from Seripando's preliminary draft B had led to the September draft, as well as the suggestions for its improvement that had been submitted; these were calculated to expunge the last traces of Seripando's views. For all that this lengthy discussion was no digression; on the contrary it

quently discussed, see M. Schüler, *Prädestination, Sünde und Freiheit bei Gregor von Rimini* (Stuttgart 1934), and A. Zumkeller, *Hugolin von Orvieto und seine theologische Erkenntnislehre* (Würzburg 1941); *id.*, *Dionysius de Montana, ein neuentdeckter Augustinertheologe des Spätmittelalters* (Würzburg 1948); *id.*, "Hugolin von Orvieto über Prädestination, Rechtfertigung und Verdienst", *Augustiniana*, IV (1954), pp. 109-56; V (1955), pp. 5-51. *D. Aurelii Augustini opuscula, quo omnia, quae ad fidem et opera pertinent, declarantur ex libris eiusdem* (Venice 1545), published by the Hermit of St Augustine Agostino Fregoso Sosteneo, is important for the Council. For the Augustinianism of Augustinians who were not at the Council cf. Jedin, *Seripando*, vol. II, pp. 254 ff.; *id.*, "Agostino Moreschini und seine Apologie Augustins", *Augustinus-Festschrift* (Cologne 1931), pp. 137-53.

compelled the Council to force its way through formulas and catchwords to the ultimate difference between the Catholic and the Lutheran doctrine of grace. We may regret that more than one fruitful notion that came to light in the course of the debate was not embodied in the final text of the decree, but we must remember that the first and foremost task of the Council was precisely and sharply to trace out the line of demarcation which had become blurred; a later epoch might then look once more for connecting lines.

To Seripando it seemed as if "nearly everyone aimed at excluding Christ's justice from the hearts of men". We can understand his reaction, even though it was not justified. For him the fight for his conviction was a matter of conscience which he felt bound to continue in the general congregation which alone could make an authoritative pronouncement. Although Seripando had not the support of the congregation of theologians, Cervini had the courage to entrust to him the recasting of the September draft. With the assistance of Massarelli, Seripando entered upon the arduous task on 20 October,¹ He had to take into account three factors: (a) the suggestions of both conciliar bodies for an improvement of the text; (b) the observations of the Roman theologians which had been received at Trent on 24 October; (c) Cardinal Pole's criticism of the September draft which had been ready since the middle of the month. It is difficult to imagine

¹ Origin of the November draft; Massarelli's statements in *C.T.*, VOL. I, pp. 581 ff., and the legates' report of 22 October, VOL. X, p. 698, l. 7, make it certain that Seripando had been working on the new version since 20 October although in his own notes, *C.T.*, VOL. II, p. 430, l. 12, he says that he was only commissioned to do so by Cervini on the 25th. In favour of this date is the circumstance that the Roman censures arrived at Trent on the 24th—these Cervini handed to him for his consideration, VOL. X, pp. 692 ff. We must therefore conclude that in the notes of his diary Seripando entered the handing of the Roman censures instead of the earlier commission. It is possible, with Ehses, VOL. V, p. 497, n. 1, to fix the latter on the 15th by regarding the 25th as a slip of the pen, but there is no certainty. In any case as early as 23 October Cervini describes the work on the decree as "*fatica assidua et intolerabile*", VOL. X, p. 699, l. 27.—The collection of suggestions for the improvement of the text, made at Trent, which Seripando had to take into account, *C.T.*, VOL. V, pp. 498-509; Pole's censures and the Roman ones, VOL. XII, pp. 674-8. The draft of 31 October, together with the supplementary alterations with which it was submitted on 5 November, VOL. V, pp. 510-18, where on pp. 518-23 the "*rationes*" for the omission of certain suggestions are also given. In the text I did not insist on a draft of a decree which Seripando had probably drawn up before he got Cervini's commission, *C.T.*, VOL. XII, pp. 679-85; on the formal side it links up with the August draft but already takes note of amendments for the September draft.—General congregation of 29 October: *C.T.*, VOL. V, pp. 643 f., with list of those present (53 bishops and 6 votes of abbots and superiors of Orders); VOL. I, p. 582, l. 27, gives only 51 bishops but has 2 proctors. In their report of 30 October, VOL. X, pp. 711 f., the legates describe the decision to discuss the November draft together with the two *dubia* as a "*bel paragone*"; the votes were 38(40): 20.

a greater contrast than that between Pole's criticism and that of the Master of the Sacred Palace, Bartholomeo a Spina. Pole expressed his appreciation of the fact that the historic events of our redemption were made the basis of the doctrine of justification while Spina regarded the doctrinal chapters as superfluous. The cardinal wished greater emphasis to be laid on the doctrine of imputation; the Master of the Sacred Palace, on the contrary, demanded the adoption of the Thomist doctrine on grace and a generous array of technical terms. The fact was that Spina was much more dissatisfied with the draft than Pole.

It took the morning hours of ten consecutive days of united effort before Massarelli, with a sigh of relief, was able to put a full stop after the last line of the new draft. Every suggestion and correction had been considered. If it was not acted upon, the reason was given by Seripando in writing. No text of any law or constitution can have been subjected to more careful elaboration than this. The task was not yet completed when, in a short general congregation held on 29 October, it was decided to discuss the two questions at the same time as the revised draft. Pacheco's demand that the questions should be debated first and the draft afterwards was rejected by a two-thirds majority. The legates thought of submitting the new draft—the November draft—to the Council after the days of All Saints and All Souls.

But, we may now ask, had not the Pope, when he put off the plan for a translation in mid-August, contemplated the translation of the Council to a neutral city of Italy in the course of the month of October? Why then did he not revert to this plan at this time? Had the legates abandoned their notion that at Trent the Council's freedom of action was intolerably circumscribed by the Emperor and by the prelates devoted to him—beginning with Madruzzo, the lord of the city and district? And had they renounced the wish to leave Trent which had become hateful to them?

Neither of these two hypotheses corresponded with the facts: it was the Emperor who continued to resist a change of locality. When in the course of the summer the imperial policy wrung from the Pope a two months' respite, its sole aim had been to gain time, for it reckoned with the termination of the War of Schmalkalden before the onset of winter. However, this expectation did not materialise. The Danube campaign in the autumn of 1546, for a while a war of position before Ingoldstadt, and later a war of movement in the territories of Donauwörth and Ulm,

led to no heavy engagements for, owing to an approximate equality of their respective forces, neither of the contending parties dared risk a decisive battle. The Emperor's reasons for a negative attitude remained therefore unchanged. Towards the end of September, with the Pope's approval, Charles V's Roman ambassador Juan de Vega had despatched his secretary, Pedro Marquina, to the imperial headquarters for the purpose of softening the monarch's stubborn attitude to the question of a translation. The Emperor, however, got the impression that both Vega and Marquina had become entangled in the meshes of papal diplomacy. He accordingly decided to recall the former and to replace him by Diego de Mendoza who had been ambassador to the Council up to this time. Marquina, whom a Roman observer also describes as "intoxicated by Rome's greatness", returned thither with Juan, Diego's brother, whose reliability the Emperor did not doubt. Juan de Mendoza was instructed to prevent the translation in any circumstances and, if possible, also the publication of the decree on justification. The legate Farnese left the imperial court towards the end of October without having obtained the slightest concession in the matter of the translation.¹

In addition to all this, from the reports of his nuncio, Dandino, the Pope had learnt that, contrary to expectations entertained both in Rome and at Trent, Francis I was by no means agreeable to a translation into central Italy. This attitude, of course, was not due to the fact that the

¹ The Emperor's rejection of the plan for a translation: *C.T.*, VOL. x, p. 645 (the Emperor's "rationes"). On 8 October Farnese writes: "di qua la non se intende niente bene", *ibid.*, p. 683, n. 2; for the course of the war see Brandi, *Kaiser Karl V*, pp. 472-8 (Eng. edn. pp. 549-56).—France's negative attitude appears from Dandino's reports, *C.T.*, VOL. x, pp. 652, l. 22; 669, l. 20 and *nn.* 4 and 5. The report of 1 September, in Vat. Arch. AA 1-XVIII, 6532, fols. 105^r-106^v, or., says in so many words that in the event of a translation to Lucca the French envoys and prelates were ordered to return home. When at the end of September Dandino informed Francis I that his attitude on the question of the translation was a painful surprise for the Pope, the king declared that there was no object in France being represented at the Council as long as the war against the Protestants was in progress ("finche non vedesse il mondo in maggior fermezza di quiete et di riposo di quella che lo vede hora, in modo che tutte le nationi vi potessero intervenire et concorrere liberissimamente"); he would only send prelates to Lucca if other nations were similarly represented ("finche non vede che vi sia frequentia tale delle altre nationi che si possa sperare d'havere un concilio della sorte che vuole essere"), *ibid.*, fols. 115^r-117^v (29 September 1546). The king's attitude seems somewhat more moderate in Dandino's letter to Cervini of 21 October, *C.T.*, VOL. x, p. 695. In the whole affair Francis I was thinking of the German Protestants and of England where the Bishop of Fano's brother, Gurone Bertano, was making a supreme effort to get in touch with Henry VIII.—Rome's silence about the translation on the basis of Cardinal Mendoza's letters of 9 and 14 October, VOL. XI, pp. 72 f.

French king had allowed himself to be taken in tow by the Emperor, but rather to a wish to make the Pope feel still more the full burden of his alliance with Charles V. Francis I let it be known that he did not regard as completely authoritative a Council to which, in accordance with conciliar theory, the Pope was not subject. If there was question of a translation, then Avignon was the place. He boasted that he would get the two most important groups of those who had seceded from the Pope, the German and the English Protestants, to come there. It was evident that this big talk had no more weight than the offer of an accord with the Protestants ten years earlier (cf. VOL. I, pp. 301f.).

In the Pope's estimation this attitude of the two monarchs made it impossible, for the time being, to give effect to the plan for a translation. Paul III no longer insisted on the period of grace that had been conceded to him. Both Juan de Vega and Cardinal Francisco de Mendoza noticed that after the Pope's return from Umbria there was no longer any mention of a translation and the commission of cardinals for the affairs of the Council also dropped the subject.

From the beginning the legates had reckoned with the probability that a postponement of the translation would mean its abandonment. On the other hand, what they observed in the course of the general congregation in the first days of October strengthened their conviction that the situation at Trent was becoming increasingly dangerous for the Papacy and would become quite untenable in the long run. The climate of the Council had undergone a complete change. The assembly had split into two parties—each one a closed formation and subordinating its tactics to political considerations—the curial and the imperial parties. A two-party system was a novelty indeed.

There had been various group-formations before this at the Council, as on the question of the title of the Council and the priority of reform, and during the debate on the Vulgate and the privileges of religious Orders. No one doubted that the handful of Frenchmen at Trent would act as directed by their sovereign whose representatives had arrived shortly before. The bishops of the territories subject to the Emperor had also exchanged views with one another and with the two envoys Mendoza and Toledo; however, they had not grouped themselves into an opposition party. At the beginning of April Toledo had actually promised the legates that he would hold them *in officio*, that is, that he would influence them in the sense of the legates. It was the plan for the translation that turned the imperialists into an opposition. The crisis at the end of July had been a lesson to them and they changed their

tactics accordingly. They knew that any attempt at intimidation, or any threats, would bring about that which they wanted to prevent. A carefully disguised policy of obstruction would yield better results. The leading figures in the collision of 30 July, Madruzzo and Pacheco, purposely kept in the background. In the last days of September Cardinal Madruzzo withdrew to Ripa, on Lake Garda, and, to his colleague's annoyance, did not put in an appearance in the October congregations. Pacheco kept back his vote until the conclusion of the debate, on the plea that he was anxious first to hear Domíngo Soto's vote. In this way it came about that the role of spokesman for the opposition fell to a prelate who was not a subject of the Emperor and who, by reason of his origin and position should have been numbered among the curial party, namely the Bishop of Sinigaglia.¹

Marco Vigerio della Rovere was a kinsman of Julius II. He had obtained his bishopric when only ten years of age, in consequence of the resignation of the see by his uncle of the same name and a "creature" of that Pope. Though only in his forties he was one of the first to deliver his vote on account of his great seniority—his promotion dated from the year 1513. Thanks to his wide information and independent outlook he had been made a member of the commission for questions

¹ The attempted obstruction by the imperial party at the beginning of October 1546, according to the reports of the legates, 2 and 6 October, in *C.T.*, VOL. X, pp. 667 ff., 670-3; on p. 673, l. 37, occurs the cry of alarm: "si trata in concilio de summa rerum". On 6 October the Bishop of Fano writes to Farnese: "si riduce tutta la chose a fattione", VOL. X, p. 672, n. 3; in Rome people spoke of the "confederados de secreto", VOL. XI, p. 72, l. 15. For the formation of groups at the Council see I. Rogger, *Le nazioni al concilio di Trento* (Rome 1952), pp. 132 ff., 139-74. Toledo's offer to the legates, VOL. X, p. 442, l. 5; Mendoza's report from Venice, 5 October, VOL. XI, p. 71, n. 2.—The votes of the Bishop of Sinigaglia and Pacheco after Severoli, *C.T.*, VOL. I, pp. 103 f., 106, and the acts, VOL. V, p. 460. The Bishop of Sinigaglia's original vote, *ibid.*, pp. 462 f., does not contain the political part of his speech. Del Monte's reply to the imperialists' three points' programme on 12 October is probably given textually by Severoli, *C.T.*, VOL. I, pp. 106 ff., but in the acts, VOL. V, pp. 496 f., part of it is unintelligible. The postponement of the decree on justification was demanded by the Bishops of Sinigaglia, Castellamare, Lanciano, San Marco, Bosa (according to Severoli, *C.T.*, VOL. I, p. 104, l. 23), Badajoz, Astorga, Huesca, Calahorra, Capaccio, Pacheco and the Bishop of the Canaries. Severoli, *ibid.*, p. 104, l. 35, counts the Bishop of Aquino among the members of the opposition; as a matter of fact his letter to Maffeo of 13 October, VOL. X, pp. 685 ff., shows him to have been opposed to the translation. On the other hand he says of the decree on justification "non debet remorari". The protocol, VOL. V, p. 467, l. 17, is not quite clear.—The data about Marco Vigerio della Rovere, Bishop of Sinigaglia, are according to Eubel, VOL. III, p. 298; he was a nephew both of Cardinal Marco Vigerio della Rovere († 1516) and of Cardinal Grossi della Rovere. His arrival at Trent shortly before 12 February 1546, *C.T.*, VOL. X, p. 380, l. 15. Details about his activity in his diocese of Sinigaglia, in Ughelli, *Italia sacra*, VOL. II (1717), p. 877, and in *Cronologia dei vescovi della S. Chiesa Senigalliese* (Sinigaglia 1931), p. 24.

connected with the use of the Bible, but for some time already he had been a source of embarrassment to the legates by reason of his uncompromising stand on the question of residence, his criticism of the Curia and his episcopalistic attitude. In his vote of 2 October he demanded that the Council should be described as *universalem ecclesiam repraesentans*, on the apparently convincing ground that the title was also used in the papal *Ceremonial* which Cristoforo Marcello had had printed during the pontificate of Leo X (1516). He also objected to the promulgation of the decree on justification while attendance at the Council was as feeble as it was at the moment. Publication should be put off until the Council was better attended. Those who were hanging back should be pressed to attend by the threat of the severe penalties which he had already demanded on the occasion of the debate on the declaration of contumacy previous to *Sessio V*. In the meantime the assembly should deliberate about Church reform.

Vigerio does not give the impression that his appeal to his conscience was not sincere, or that his vote had been drawn up under instructions from ambassador Mendoza, as the legates suspected, for in that case he would scarcely have described Trent in the same breath as "insecure and unsuitable" for the Council and thereby have made his own the main argument of those who favoured translation. It was now easy for the Spanish and Neapolitan bishops to give a warning against a speedy completion of the decree on justification—all they had to do was to adhere to Vigerio's vote, in fact some of their number even raised the question of the disputed title of the Council. Pacheco maintained a studied reserve; but he created a sensation by the bold assertion that at Verona and Padua alone there were thirty-five bishops who did not agree with the conciliar majority in respect of the decree on justification. The number he gave was probably exaggerated and the suspicion about their doctrinal attitude was without foundation.

On the other hand the legates also fell into an exaggeration when on 2 October they forwarded an unusually detailed account of Vigerio's vote and of those of his followers, the Bishops of Castellamare and Lanciano, and again when on 6 October they raised the cry of alarm: "Everything is at stake: they want to humiliate the Apostolic See!" The protocols furnish unquestionable evidence that the number of those who were opposed to the completion of the decree did not exceed a round dozen and they carefully avoided any kind of provocation. In the above-mentioned vote of 29 October on the procedure to be adopted in regard to the two articles, the number of the opponents rose to twenty, but even

then the legates' party had a two-thirds majority. Some of those who had fled in the month of August had returned in the meantime and there was a constant flow of fresh arrivals.¹ Two of the most erudite as well as the most faithful adherents of the Curia, the Dominican Ambrosius Catharinus and the auditor of the Rota Sebastiano Pighino, had been raised to the episcopate on 27 August and thus took their places on the bishops' benches. The Dominican Tommaso Stella, Bishop of Salpi, arrived on 12 September; in the first days of October he was followed by the Bishops of Spalato, Melos and Piacenza and on 11 and 12 October by four prelates sent by the Cardinal of Venice, Francesco Pisani, namely two of his own nephews, the Bishops-Elect of Padua and Treviso, and two former familiars of his, the Bishops of Tivoli and Città Nuova in Istria; lastly the Bishops of Terracina and Lesina in Dalmatia also arrived at Trent.

Roman prelates, for whose despatch to Trent the legates had earnestly pleaded on 6 October, were on the way and arrived in the course of the month of November. They were the Pope's vicar for the city of Rome, Filippo Archinto, Bishop of Saluzzo, the auditor of the Apostolic Camera, Cicada, Bishop of Albenga, together with three other bishops. These arrivals reinforced both the actual numbers as well as the weight of the legates' party. The latter had made no secret of the

¹ Restoration of the conciliar majority in October and November 1546: The Bishop of Salpi, the Dominican Tommaso Stella, a zealous controversial preacher, arrived in Trent on 12 September, *C.T.*, VOL. I, p. 573, l. 29; cf. Buschbell, *Reformation und Inquisition*, pp. 61-80. He was followed at the beginning of October by the Bishops of Spalato and Melos, *C.T.*, VOL. I, p. 577, l. 31, and at about the same time by the Bishop of Piacenza, VOL. X, p. 673, l. 45. The 11th and 12th saw the arrival of the four adherents of Cardinal Pisani, VOL. I, pp. 578 f.; VOL. X, p. 684, l. 39. The 12th also witnessed the arrival of the Bishops of Terracina and Lesina, VOL. I, p. 579, l. 12; VOL. X, p. 685, l. 1. The arrival of the Bishop of Curzola must have occurred in September, *ibid.*, p. 746, n. 6. We have the following information about the return of fugitive bishops: VOL. V, p. 443, l. 11, shows that the Bishops of Ascoli, Feltre and Sinigaglia had left Trent for a time. On 10 October the Bishop of Corfu returned, VOL. X, p. 687, l. 21; the Bishop of Sebenico had done so even before, on 1 October, *ibid.*, p. 667, n. 3, and the Bishop of Clermont had arrived before the 12th, *ibid.*, p. 684, n. 8. However, there was a fear lest there should be another flight from the city by the end of the month, *ibid.*, pp. 674, l. 35; 684, n. 2. Pacheco claimed that thirty-five prelates were staying at Padua and Verona, VOL. V, p. 492, l. 38; cf. VOL. I, p. 104, l. 11. Della Casa's letters to Farnese throughout September and October are full of information about the efforts of the nuncio in the matter, e.g. on 28 October: "Mons. di Papho è indisposto; Mons. di Torcelli andrebbe volentieri", but is in financial straits, Bibl. Ricci I, fol. 286^r, or. In November the legates' party was considerably reinforced by the arrival of the Vicarius Urbis, Archinto, Bishop of Saluzzo, the auditor of the Camera, Cicada, Bishop of Albenga, and the Bishops of Parenzo and Famagusta, *C.T.*, VOL. X, pp. 735, l. 38; 736, l. 12, but their arrival had been preceded by the departure of four majority bishops. The legates' admission that the majority of their adherents were no match for the opposition as regards quality is found in VOL. X, p. 710, l. 33.

fact that their adherents were inferior to the opposition party not only in their outward bearing (*apparentia*) but to some extent also in learning (*doctrina*). In point of fact how could the bishops of the small Italian dioceses and those of the Venetian possessions, who were all dependent on papal assistance, keep pace with the magnificence displayed by the French and Spanish bishops and with their excellent canonistic training and their experience of ecclesiastical affairs? On the other hand there is nothing to show that the legates were in the least intimidated by the opposition.

Like the leaders of the imperial party, the legates made a point of observing the greatest moderation during the October debate, though they were firmly resolved from the beginning not to leave the field to the other side. On the last day, 12 October, Del Monte broke the silence in order to take up the Bishop of Sinigaglia's three points. With an obviously forced geniality he asked why there was so much anxiety about the forthcoming publication of the decree on justification. No date had as yet been fixed (in point of fact the date of the Session had been left in suspense since July). What mattered most at the moment was the production of as perfect a text as possible. As soon as the decree was ripe for publication, the obligation of residence would be taken in hand and on this theme they were prepared to listen patiently to all who chose to speak. The opposition's repeatedly expressed suspicion that the legates were bent on putting off the debate on reform was therefore totally unjustified for they were firmly resolved to act on the principle of a parallel discussion of dogma and reform which had met with the approval of the Council. The president had remained on the defensive so far, but now, by a lightning stroke, he went over to the offensive. Covetousness and lust for power on the part of the Curia, were they, he asked, the obstacles to Church reform? Those who made this charge should remember that the canons of the early Church allotted to a bishop no more than a fourth of the revenues of his see; the other three-quarters were to go to the cathedral, the clergy and to the poor. And who nominated the bishops in France and Spain? It was the king, not the Pope! The feeble attendance at the Council was no argument against the publication of the decree on justification for, as Torquemada had said before him, the authority of General Councils rests on a divine promise and on the primacy of the Pope who convenes them. As for the "inflated" title of the Council, he rejected it as novel and inopportune.

It was natural that the increased tenseness of the situation and the new tactics of the opposition would not escape the adherents of the

legates. Bearing in mind the promises made to them in July and August, they let it be known that nothing would keep them at Trent after the end of October—even the latest arrivals reckoned with a stay of only a few weeks. Their spokesman was the Bishop of Bitonto. A translation must be effected, and that soon. If the Pope hesitates much longer the day will come when he may have the will but not the power to act. The time seemed opportune enough at the beginning of October while both imperial representatives were absent. Mendoza's *maggior-domo* actually claimed to have information that the Session which would decide the translation to Ferrara was fixed for 14 October. This was a piece of gossip for which there was no foundation though it expressed the prevailing state of opinion; in fact Mendoza himself reckoned with the possibility of such a decision, though only at a date nearer to the feast of All Saints; he also thought that it would be passed by a two-thirds majority.

The ambassador's fears were without foundation. In their report of 9 October the legates had already unfolded a new, and in Cervini's words a "marvellous", plan of action which would enable them, together with the conciliar majority, to extricate themselves from Trent without a translation.¹ They based themselves on the fact that at the moment the imperial party was much more concerned to prevent the publication of the decree on justification than it was to prevent the translation of the Council. This meant that the assembly was no longer in a position to carry out one of its two great tasks, hence the Pope had good cause for suspending the Council, seeing that it had no longer any freedom of action. The idea of a suspension had been considered before this only to be turned down, on the ground that it would revive the old suspicion that the Pope wanted neither Council nor reform.

¹ The legates' plan for a suspension is unfolded in their report of 9 October, *C.T.*, vol. x, pp. 674-7, and in Cervini's letters of the same date to Paul III and Maffeo, *ibid.*, pp. 679-83; the one addressed to the latter was however not destroyed by the recipient as he affirms, *ibid.*, p. 688, l. 18, for the original has been preserved. The full gravity with which Cervini viewed the situation is expressed in the words: "Mi protesto che, se la reformatione non si vorrà fare da buon senno, Deus non irridetur, perche in questo punto solo sta tutta l' honestà, la ragione et la forza di questo partito che hora noi proponiamo", *ibid.*, p. 682, l. 38. That in this respect Cervini distrusted certain personalities at the Curia is shown by his letter to Maffeo dated 23 October, in which he reminds him of the earnestness with which he had urged a reform at a time when "voi altri non ci volevate ne morti ne vivi", *ibid.*, p. 699, l. 35. Reference to the Roman synods during Lent, *ibid.*, p. 692, l. 20. The plan for a suspension rendered superfluous the question which Maffeo put to the legates on 4 October by order of the Pope, namely what did they think should be done in three hypothetical cases, viz. the Emperor's victory, the defeat of the Protestants, or an inconclusive termination of the war against them, *ibid.*, pp. 669 f.

But so undesirable a consequence could be avoided. At the same time as he suspended the Council, let the Pope invite the bishops to Rome for a discussion of the reform of the Church which the imperialists had been studiously demanding of late.

In accordance with such a plan the Council would not have been transferred. Trent would have continued to be its seat, as the Emperor wanted, though in point of fact a suspension of this kind was bound to end in a translation. The legates and the main body of the bishops would betake themselves to Rome. But in that event, and in order to save appearances, a new president would have to be appointed for Trent. If the plan was to succeed it was imperative that the suspension should be ordered by the Pope and only subsequently approved by the Council, or at least by a majority of its members. The Emperor would be informed of the papal decision in the same way as the rest of the princes; like them he would be faced with a *fait accompli*. The suspension was to be Rome's decision, not Trent's. In this way inevitable and heated arguments between the two conciliar parties would be avoided, while the sting would be taken out of certain objections of a legal nature which had to be taken very seriously. The validity of a decision to suspend the Council taken by the conciliar majority on a proposal of the legates could easily be challenged by the minority who might claim to be in this case the *pars sanior*, and so say: "Let who will go away! As for ourselves, we shall go on doing our duty." On the other hand, if the Pope ordered the suspension he would be acting in the fullness of his authority to guide the Council. Such an act could not be lightly disregarded while it would at the same time forestall a preventive veto by the Emperor.

Cervini was well aware that there was a particularly weak spot in this finely-spun design—namely the translation of the reform debate to Rome. The Roman reform-convention which the legates proposed had long been a familiar item in the armoury of the Renaissance Popes against political conciliar theory and conciliaristic notions of reform. We can only surmise, for there is no proof, that its reappearance was due to Del Monte who was well acquainted with it through his uncle Antonio, the adviser of the Medici Popes. Cervini took up the idea but gave it a new content for he had always held that a reform decreed by the Pope was the best and safest road to a renewal of the Church. It was solely due to the pressure of the people north of the Alps that in the course of the spring he had come to the conclusion that the Council was the best means for a reform and that he had secured Rome's agreement.

The Roman reform-convention which he now proposed was a return to the original idea, but Cervini could only advocate it on one condition which he unfolded in a memorial addressed to the Pope personally, and even more fully in a letter addressed at the same time to Maffeo but which was meant to be communicated to the Pontiff. The condition was to the effect that there must be a firm resolve to use the convention for a serious and effective reform, otherwise it would be no more than a trick and would spoil the whole plan. Only a sincere and complete change of conduct would give the Pope the moral right to interrupt the Council and, perhaps, even to issue from Rome by means of decrees, the dogmatic decisions that were still outstanding. An internally renewed Papacy would recover the respect and love of the nations which it had largely forfeited and would enable it to brush aside considerations for the various States which only hindered and hampered its every step. In any case no good purpose was served by these considerations, for if the Emperor had a mind to come to terms with the Protestants, he would not be at a loss for plausible motives for doing so, in spite of the Council. Cervini had a prophetic vision of the rise of a renewed Papacy, and of its decline in the era of absolutism. There can be no doubt of his tremendous earnestness when he thus urged a reform; his words recall those of Domenico Capranica and Nicholas of Cusa who, after the defeat of the men of Basle, had pressed the labarum of Church reform into the Pope's hands. However, Cervini was not prepared to forgo all synodal participation in such a reform. He had read history, and so could form a mental picture of those Roman synods which were held annually during Lent and at which, as at this time in the general Chapters of the Mendicant Orders, current ecclesiastical affairs could be discussed and decided in the space of a few days and legates despatched for the purpose of holding provincial synods. The purpose of the proposed reform-convention was to lead to a revival of this ancient custom of the Roman Church. In Cervini's eyes such a gathering was no longer the worn-out tool of a past epoch but rather the opening of a new era for an internally reformed Papacy. Thus the plan for a suspension had far deeper roots than the legates' discontent with their momentary situation. That plan throws light on their conception of the relationship between Pope and Council as well as on the view of one of their number about the road that a reformed Papacy should pursue. The scheme was much more than a finely-spun ruse, but it was destined to share the fate of the plan for a translation.

Paul III viewed that plan from a purely political angle. After an

exhaustive discussion with the cardinals' commission for the affairs of the Council, and more particularly with his closest collaborator, Ardinghello, he made known, on 20 October, his approval of the suspension but refused to decree it himself. Such an intervention in the Council's self-determination, he declared, could only take place in a case of extreme necessity. Let the Council itself decree its suspension and, if possible, without fixing a time-limit ("a beneplacito"), or at least for a period of six months, if the Emperor's assent could be obtained in this way. Meanwhile it was left to the legates to assure the Council, by some preliminary measure in the sphere of reform, for instance in connection with the impediments to episcopal residence, that reform would follow in any circumstances and without delay ("in ogni modo, senza dilazione"). On Cervini's earnest pleading he made no comment.¹

As in the previous August, the Pope's answer, though affirmative as to its form, was negative in actual fact because in the legates' opinion the suspension, as suggested by him, was incapable of execution. They accordingly felt that they had been completely misunderstood. Up to this time it had been their policy to represent the Pope and the Council as a unit and to deny to the latter an autonomous jurisdiction of the kind the Council of Basle had claimed in its time. To decide the suspension was an act of jurisdiction; responsibility for it, but above all the odium it would call forth, would fall on the legates, but the Pope would not go unscathed since he would be suspected of having issued orders to that effect. Moreover, in accordance with the business procedure hitherto observed, such a decision could not be taken in a general congregation but only at a Session the date of which, as well as its object, had to be made known beforehand. This would do away with the element of surprise, yet surprise was an essential condition of success. A sharp conflict, perhaps even a schism might well be the consequence, for the motive for the suspension, namely the opposition of the imperial party to the completion of the decree on justification, was not so obvious and

¹ A veiled rejection of the plan for a suspension is contained in Santa Fiora's letter of 20 October, *C.T.*, VOL. x, pp. 693 f., which arrived at the same time as the censures of the Roman theologians, 24 October. On 14 October Maffeo had still reckoned with the assent of the Pope, *ibid.*, p. 688, l. 15. The legates' observation in their answer of 25 and 26 October, that they had not been properly understood ("non essendo stato ben compreso il senso nostro", *ibid.*, p. 702, l. 22) was not without justification. Cervini's disappointment at the Pope's deafness to the appeal to his conscience is clearly seen in the letter to Maffeo, *ibid.*, p. 705, l. 27. In their direct report of 30 October, *ibid.*, pp. 707 ff., the legates developed the plan for attaining their end by means of a citation of the Protestants.

unequivocal as the legates had stated in their letters of the first days of October. The delaying and unco-operative tactics of the opposition could not be construed into a sufficient motive for a suspension. For the time being, therefore, the legates felt compelled to give up their plan for a suspension, but in their report of 26 October they explained that the appropriate moment might come in the not distant future, once the two decrees on justification and the duty of residence were ripe for publication. If the imperialists objected to the publication of the first decree—above all if they threatened to lodge a protest—there would be a clear and convincing motive for the suspension.

Of course even the legates themselves very much doubted whether the imperialists would let things go to an extremity which they could not but know would bring about a suspension or a translation. But even if they allowed the decree on justification to go through, another opportunity would offer itself after the Session. This would be to put on the agenda, without previous warning (*"all'improvista"*) the citation of the Protestant divines as well as of the Anglicans, and to demand an immediate decision. There was every probability that both the imperialists and the French would then insist on a delay to enable them to ask for instructions from their sovereigns, when there would be a practical certainty that an overwhelming majority would agree to a suspension. On the other hand, if the Protestants obeyed the citation, and there were reasons to think that they would, it would be possible during the three or four months which would have to be allowed them, to resolve the questions that still remained to be settled and then to bring the Council to a speedy termination.

Only the legates' disappointment at the miscarriage of their own plan for a suspension and their insuperable aversion for Trent could have deluded them into believing that so desperate an expedient was at all viable. From the first the Council had refrained from condemning the persons of the reformers and had confined itself to condemning their teaching. A citation of the Protestants would have crossed the Emperor's plan even more awkwardly than a translation, while that of the Anglicans would have met with violent opposition from the French. A citation was not the same thing as an invitation. It was unacceptable to the opposition and could not be enforced by the legates and Rome did not even consider the suggestion.

The legates' fresh proposals were still in suspense when the Bishop of Fano set himself the task of dealing with the smouldering crisis in a different, very much simpler way: this was the suspension of the Council

with the consent of the Emperor.¹ He started from the consideration that in the last resort it was of much greater consequence for the monarch to keep the decision on the decree on justification in suspense than to prevent a translation, for in this way, after his victory over the Protestants the door remained open for an understanding with them. The latter's presence at Trent was assuredly not the infallible means of bringing them back to Catholic unity which the Emperor imagined it was, and on the other hand so strong was the desire of the majority of the Council for a translation to Italy that a change could hardly be avoided. However, since the Emperor persisted in his opposition to a translation, the only way out of the dilemma was a suspension. An attempt must be made to convince the imperial party that for the time being this was the lesser evil and thereby obtain their assent. The Bishop of Fano's first conquest was Madruzzo who was most anxious to obliterate the bad impression he had created by his earlier threats and his display of temper. After the Prince-Bishop, the Bishop also won over Mendoza, the ambassador, who had just returned from Venice where he had been staying from 1 to 13 October. Armed with their consent, on 26 October, he laid his plans before Cardinal Santa Fiora, when he also sought to make it more acceptable by dropping a hint that a suspension could easily become a translation. In this way the big morsel would be divided into two smaller ones, which would be more easily digested. On 30 October, at Madruzzo's and Mendoza's request, the Bishop of Fano formally proposed to the legates that, with the imperial prelates' assent, they should suspend the Council for a period of six months.

The legates viewed the plan from the first with not a little suspicion. They did not think the assent of the imperial party to the suspension was at all likely, especially as its main prop, Pacheco, had not yet spoken, and

¹ The Bishop of Fano's mediation at the end of October: it starts with the considerations which the bishop put before Santa Fiora in his letters of 1 and 6 October, *C.T.*, VOL. X, p. 672, n. 3; the aim of the letter of 9 October, *ibid.*, pp. 677 ff., is chiefly the restoration of Madruzzo's reputation in Rome. The plan for a suspension with the approval of the imperialists is only unfolded on 26 October, *ibid.*, pp. 703 ff. The legates' report on their negotiations with the Bishop of Fano on 30 October, *ibid.*, pp. 713 f., is clear evidence of the superiority of their tactics in negotiation. For the question of expenditure I may refer the reader to my previously mentioned paper in *Münchener Theol. Zeitschrift*, IV (1953), pp. 119 ff. On the negotiations with Mendoza on 9 November, see the legates' report in *C.T.*, VOL. X, pp. 720 ff.—Although the Bishop of Fano was back in Trent by 12 September, *ibid.*, p. 649, n. 9, he had not taken part in the October debate on account of illness; his views on the September draft had been communicated to Cervini in private, VOL. I, p. 574, ll. 23 and 28. The mission to the imperial court which had been planned at first (see Gianbattista Cervini on the subject in VOL. X, p. 906, l. 22) was not despatched because it was recognised that it was hopeless.

even more improbable was the Emperor's consent. But not a word of theirs betrayed their feeling that the Bishop of Fano's proposal was an ideal solution for them: it made them a present of what they wanted, provided it was followed by action. But in their opinion this was highly problematic as long as Pacheco and the Emperor had not spoken. They replied very coolly that they saw perfectly well that a suspension would be in the interest of the imperialists whereas the Pope, now as before, regarded a translation as the best solution. The Council could not be retained at Trent beyond St Martin's day (11 November). If there was to be a suspension, the decree on justification must be completed first. They also mentioned another point. They were aware of the Emperor's anxiety for the continuation, beyond six months, of the subsidies the Pope had agreed to pay him. They were determined to take advantage of this fact—it was grist to their mill. They would make it clear that the Pope was not in a position to carry indefinitely the financial burden of two undertakings—the war and the Council. The cost of the Council mentioned by them—50,000 to 60,000 scudi annually—was decidedly exaggerated; on the other hand it was quite true that the Pope's expenditure was steadily on the increase. The legates had actually been obliged to raise a loan at Venice to enable them to continue to assist needy prelates.

There can be no uncertainty about the legates' motives. If they made difficulties it was for the purpose of wringing from the opposition party the greatest possible concessions, above all the one which was Cervini's main concern—the publication of the decree on justification. But this was precisely what the imperialists were most anxious to prevent, even by a suspension, if there was no other way. The nearest alternative—criticism of the September draft—had led nowhere. They accordingly fell back upon another plan. On 9 November, by order of the Emperor, Mendoza suggested to the legates that the draft should be submitted, for their observations, to the most renowned Catholic universities—Paris and Louvain (Salamanca, which was in the Emperor's mind, Mendoza passed over); yet in the same breath he protested against the accusation that it was the Emperor's intention to prevent the promulgation of the decree.

The theological Faculties of Paris and Louvain, following the precedent of Cologne, had repeatedly condemned Lutheran doctrines and had thus exercised a teaching authority which they enjoyed by prescription. They had done so in the very first years of the schism and again recently at a time when the Council of Trent had already been

convoked—Paris in 1542 and Louvain two years later—by means of a double series of censured articles (cf. VOL. I, pp. 406 f.). These articles had been laid before the Council and masters from both Faculties had taken part in the conciliar discussion. A consultation of the universities as corporations, at this advanced stage of the debate, would have created the impression that the Council wished to borrow from these bodies an authority it did not itself possess. The gravest misgivings were inspired in particular by the proposed consultation of the Sorbonne, on account of its adherence to conciliar theory. For these reasons the legates categorically rejected Mendoza's suggestion ("no'l faremmo mai"), not only for the reasons mentioned, but likewise because they saw in such a consultation yet another delaying manoeuvre. The suggestion strengthened the scepticism with which they had viewed the Bishop of Fano's mediating action from the beginning.

Mendoza mentioned yet another wish of the Emperor. This was the extension of the period during which the Pope would provide his own soldiers' pay. The legates' answer was that this matter lay outside their province. They repeated what they had told the Bishop of Fano: the war and the Council together were too heavy a financial burden for the Pope to bear indefinitely. They felt that here they had found a weak spot in the Emperor's position, one from which they might roll back the front line of the imperial opposition party.

At this time Trent was the point of the sharpest friction as well as the closest contact between the papal and the imperial policy. While the intervention of the Bishop of Fano and of Mendoza was proceeding in that city, the Pope, in his directions to the legates under date of 3, 8 and 16 November, maintained his decision of 20 October, namely, suspension by conciliar decision, if possible with the assent of the imperial party, otherwise without that assent. He evidently did not attach any importance to a previous completion of the decree on justification. On the other hand the Pope insisted that the decision to suspend the Council, even if a definite time-limit were fixed, must not automatically put him under obligation to resume the negotiations at Trent: he must, in the last resort, be left a free hand. This could be done by means of some additional clause as, for instance one about the participation of the Germans. He refused to be dissuaded by the legates' hesitations and misgivings but seriously reckoned with a suspension being brought about. This he would change, at a later date, into a translation.

Such optimism seemed to be justified at the moment. The Bishop of Fano's mediating intervention was taken up and carried a step further by Cardinal Farnese, its upshot being an agreement with Mendoza, the most important article of which was the imperialists' assent to the suspension.

Farnese arrived at Trent on 14 November on his return from the German theatre of war. He had been informed of the Bishop of Fano's plans by that prelate himself as well as by Madruzzo who had gone as far as Brixen to meet him. It is impossible to ascertain accurately to what extent he had been previously informed of the legates' view by Severoli, the promoter of the Council, whom the legates had sent to meet him and who had got almost as far as Hall, near Innsbruck.

On 15 and 16 November Farnese had two long conversations with the legates and with Mendoza, to which Madruzzo was only invited towards the end while Pacheco was completely excluded. Agreement was reached on the following three points:¹

¹ The agreement of 16 November: Santaflora's directives of 3, 8 and 16 November, *C.T.*, VOL. x, pp. 714 f., 719 f., 724 f.; it is most significant that on 17 November Maffeo transmitted to the legates a wish of the commission of cardinals for the Council, *ibid.*, pp. 728 f. In this way that body intervened directly in the conduct of the Council. Most of Farnese's suite were already at Trent on 12 November; "talche le hostarie tutte sono cosi piene, che penso mi sarei rimaso questa notte con li miei cavalli senza allogiamento, se non havevo il ricapito in casa di Mons. di Fano", writes L. Strozza on 12 November to Cardinal Gonzaga, State Arch. Mantua 1409, or. Farnese's personal report on the agreement with Mendoza, *C.T.*, VOL. x, pp. 726 ff.; Massarelli's *Diarium III*, *C.T.*, VOL. I, p. 585, shows that Madruzzo was only called to the second conference in the afternoon of 16 November and that Pacheco was only informed of the agreement in the course of the supper which he gave for Farnese, the legates and Mendoza. The legates' report is extraordinarily reserved, VOL. x, pp. 730 ff. From the first the legates felt that the Emperor was not likely to ratify the treaty, *ibid.*, pp. 732, l. 28; 734, l. 23. Cardinal Ardinghello was desirous of getting a still clearer summary of Cervini's objections to the agreement so as to enable him to lay them before the Pope, *ibid.*, p. 914, l. 11. The suspension *ad beneplacitum Papae*, which Santa Fiora described as desirable on 8 November was not capable of execution in the opinion of the legates, *ibid.*, pp. 734 f. The idea of putting off the Session for six months and of then concluding the Council, which Cervini explained to Maffeo on 23 November, *ibid.*, pp. 736 f., takes up once more a notion of Maffeo's, *ibid.*, pp. 694, n. 3; 697, l. 5, which the cardinal had rejected at the time as impracticable, *ibid.*, p. 706, l. 36. The canonistic objections to a decision for the suspension of the Council by an exclusively Italian majority, *ibid.*, pp. 737 f.—That, in spite of secrecy, information about the agreement seeped through, appears from an *Avviso di Mantova* of 19 November, State Arch. Modena, *Avvisi* 3: "Che si trattava di suspenderlo fin al mese di Aprile; . . . pareva che Don Diego fosse per assentirvi, desiderando l'Imperatore che non si termini quel articolo della giustificatione se non pleno concilio. . . . Si tiene per certo che si sospendera et ognuno se n'andera a casa sua fin al tempo di ritornarvi, dalli vescovi et prelati spagnoli (infuori), quali S.M^{ta} vuole che restino in Trento, accioche non paia che'l concilio sia serrato."

(1) The decree on justification is to be completed, but in view of the situation in Germany, it will not be published. There is nothing to prevent the bishops and the generals of religious Orders in Catholic countries from making it the norm of their preaching. Abandonment of the consultation of the universities was not mentioned—it followed as a matter of course.

(2) Since, by the postponement of the publication of the decree on justification, the completion of the decree on the duty of residence is also made impossible—in view of the parallelism of dogma and reform—the Pope is to publish a Bull on the duty of residence and the removal of the impediments to it. This Bull will have to be approved by the Council. The concessions of 1541 are to form the basis of the Bull.

(3) The Council is suspended for a period of six months in order to prevent its threatening dissolution.

The first point was a substantial concession to the Emperor though it took into account the legates' wish that if they were not to be allowed to reap the fruits of their labours, they might at least secure them. In the second point the Curia took up once more the conception of reform which it had abandoned at the end of April at the suggestion of the legates, that is, a reform by the Pope with the subsequent approval of the Council. The suspension of the Council with the assent of the imperial party met the ardent wish of the legates and the Italian majority to get away from Trent. The question as to the manner in which this was to be effected was left open. The youthful and enterprising papal nephew and the shrewd imperial envoy had apparently contrived a solution which seemed advantageous to both parties while it eased the tense atmosphere of Trent and caused the optimism of the Bishop of Fano to triumph over the scepticism of the legates. At least this was the picture that emerged from Farnese's report. The legates' view of the situation was much more sober. They were formally partners in a transaction with the accredited envoy to the Council, but while they themselves were in possession of full powers, Mendoza could not know how the Emperor would react to the suspension. It was accordingly agreed that the arrangement would require the approval of both sovereigns. Probable as was the Pope's, that of the Emperor was doubtful. The legates had taken their precautions against an undue delay in the ratification: in that event they would consider themselves no longer bound by the contract. If it was sanctioned, they renewed the proposal made by them on 9 October, namely that the suspension should not be decided on the basis of a proposal emanating from the

Council but should be decreed by a papal Bull, in fact they even joined to their report of 17 November a draft of the motivation of such a decree. On the other hand, in the event of the Emperor's refusing to ratify the agreement—a possibility with which they seriously reckoned—the Pope should use the soldiers' pay which the Emperor wished him to contribute, as a trump card to secure two concessions, namely the monarch's assent to the publication of the decree on justification and an early conclusion of the Council. As for the line they were then to take for the future conduct of the Council at Trent they were as yet without instructions. Should the two decrees be published regardless of the Emperor's wishes and the further conciliar problems pursued, with a view to an early termination of the Council? Or should the Emperor's wishes be met and the Session put off for a period of six months whilst in the meantime the legates prepare the still outstanding decrees, so bringing the Council to its definitive conclusion?

The more they thought of it, the more difficult the suspension began to appear to them. The most ready motive for a suspension—the imperialists' opposition to the completion of the decree on justification—could scarcely be alleged after the November agreement, were it only that in the course of the November debate, and contrary to their conduct in October, the imperial prelates had refrained from any critical remarks. On the other hand if with the help of a majority exclusively made up of Italians they decreed a suspension, on the ground of the unsuitability of the locality of the Council, they ran the risk of the minority declaring itself to be the *pars sanior* and so provoking a schism. As time went on they themselves became increasingly averse to their own plan for a suspension but if they dropped it they would have to face another winter at Trent, for them a disturbing prospect. While the question of a translation remained undecided, Rome had taken no notice of the legates' repeated request for their recall and only after it had come to nothing, at the beginning of October, did the Pope consider whether to replace Pole, whose recall had been decided, by Morone, and perhaps Del Monte by Sfondrato who, as a jurist, was undoubtedly well suited for such a post. Cervini alone was regarded as irreplaceable. After that nothing more was heard of the appointment of new legates. The reason was that the Pope wished to see how the plan for a suspension would fare. If it had to be dropped, the question would arise once more. Disappointed as they were by the Pope's treatment of their proposals, the legates renewed their previous demands for leave to resign. These requests recur in their reports with the regularity of the refrain of a

popular ditty. "I am an old man", Del Monte wrote on 30 October, "and I feel, without being told by the doctors, that this cruel climate is shortening my life. I am losing my sight and hearing; neither divine nor human law obliges me to endure this martyrdom any longer." In the legates' report of 19 November, hence after the agreement, we read: "We wait for only one piece of information, namely that His Holiness has taken pity on us and has replaced us by two other legates, more adequate and more efficient."

Since mid-October Cervini and Del Monte were the sole bearers of the legatine authority for on 16 October Pole had been relieved of his duties, at his own request. The bad state of his health, on account of which he had left Trent on 28 June, was not the only motive, and certainly not the decisive one for his prolonged absence and his final request for leave to resign. He did not contest the oecumenical character of the Council but he questioned the opportuneness of a dogmatic decision on justification in view of the assembly's actual composition and the small attendance. He was not the only one to hold this opinion—it was shared by a number of prelates, most of them sympathisers with the Emperor. His second motive was a wholly personal one. He had already criticised the July draft on the ground that its authors, out of an exaggerated anxiety to avoid anything resembling the phraseology of the Protestants, had produced a document that was not sufficiently scriptural. He also found fault with the September draft because the remission of sin through the imputation of the justice of Christ was pushed too far into the background, so much so that Seripando had asked: "By what means then are we intrinsically (*intrinsice*) and really (*re ipsa*) justified?" It was evident that in this question of the doctrine of justification Pole, whose loyalty to the Catholic Church had caused him to go into exile and to incur the hatred of Henry VIII, stood nearer to Luther than any one of the adherents of a twofold justice. Pietro Carnesecchi's subsequent statement before the Inquisition that Pole's closest friends, Vittoria Colonna, Aluise Priuli and Marcantonio Flaminio had assured him with one accord that his resignation from the direction of the Council was to be traced back to a divergence on the doctrine of justification, is fully borne out by the sources. However, at this time no one molested him on that account. On 17 November he informed his former colleagues of his arrival in Rome, where he promised to support their request for their recall.¹

¹ The most important source for Pole's motives for resignation from the post of legate is his letter of 28 August to Morone, *C.T.*, vol. x, pp. 631 f., in which the

Yet another leading figure in the affairs of the Council left Trent for Rome at this time, namely the imperial ambassador, Diego Hurtado de Mendoza. On 17 November he escorted Cardinal Farnese as far as Venice; on the thirtieth he returned to Trent for a few days; on 3 December he left the city of the Council and after a detour to Piombino reached Rome, where he took up his new duties as ambassador to Paul III.

During the whole of the winter of 1545-6, Mendoza had been unable to attend to his office as conciliar envoy which he combined with his mission to the Republic of Venice, for a fever accompanied by violent fits of depression had kept him at Padua. To fill the gap thus created Francisco de Toledo had on 15 March 1546 assumed the role of representative of the Emperor jointly with Mendoza. On 25 May Mendoza reappeared at Trent, restored in health. He set himself at once to influence the conciliar proceedings in the sense of the imperial policy, urging that dogma should be deferred in favour of reform. During the crisis in connection with the plans for a translation in July

cardinal speaks much more openly than in his earlier instructions for the Abbot of Sta Salute, *ibid.*, p. 623, n. 5. Pole's attitude to the September draft, VOL. XII, pp. 674 ff.; Seripando's question, *ibid.*, p. 675, l. 17. It is not certain whether the treatise on the twofold justice, *ibid.*, pp. 671-4, arrived at Trent before 13 October at the same time as these censures. The letter recalling Pole, 16 October, VOL. X, p. 701, n. 1, naturally only speaks of his "indispositione", which was a fact, *ibid.*, p. 685, n. 3. With this document in his possession Pole sent Priuli to Trent on 23 October to inform his colleagues, *ibid.*, p. 701; VOL. I, pp. 582, l. 15; 583, l. 14. On 17 November, writing from Rome, he promises to promote the "desiderio di VV.SS. Rmi", that is, their recall, VOL. X, p. 729, which, according to *ibid.*, p. 913, l. 11, he actually did. Carnesecchi's statement, in *Miscellanea di storia Ital.*, VOL. X (1870), pp. 549 f., reprinted in *Carteggio di Vittoria Colonna*, ed. E. Ferrero-G. Müller (Turin 1889), p. 342; similar statement in "Compendium processuum" in *Arch. della Società Rom. di storia patria*, III (1880), pp. 283-6, reprinted in part in *C.T.*, VOL. XII, p. 671, n. 2. H. Languet's assertion in *Epistolae secretae*, VOL. II (Halle 1699), p. 77, that Pole had been recalled by the Pope because of his divergent views on justification is without foundation. W. Schenk, *Reginald Pole* (London 1950), pp. 113 f; has justly protested against the notion that Pole's illness was a diplomatic one, but he does not sufficiently take into consideration the other motive in the doctrinal sphere. This statement of the facts is not at variance with the other circumstance that after the promulgation of the decree the cardinal accepted it, as we gather from the tract written in the year 1547 but only printed after his death (1569), with an English translation of the Tridentine decree; cf. J. Crehan, "Saint Ignatius and Cardinal Pole", *Arch. hist. Soc. Jesu*, xxv (1956), pp. 918 f.—Maffeo's information about the eventual nomination of Morone and Sfondrato as legates, *C.T.*, VOL. X, p. 670, l. 10, is confirmed by Gianbattista Cervini, *ibid.*, p. 907, l. 32, but anyone talking of Cervini's recall "saria tenuta una bestia", for, he added on 3 November, in that case the Council would be "senza testa", *ibid.*, p. 409, l. 24. The expressed wish of the imperial party for his recall only strengthened the Pope's determination not to recall him, *ibid.*, pp. 913, l. 33; 915, l. 13. Cervini's and Del Monte's request for leave to resign, dated 30 October and 19 November, *ibid.*, pp. 711, l. 14; 735, l. 5.

and August 1546, there were those who felt that personally he was more accommodating than the Emperor. This impression was a delusion. Mendoza's manner was obliging, but with regard to the actual matter he did not in any way depart from his master's political line, not even when on 16 November he concluded the agreement with Farnese by which he secured at least one advantage for the Emperor—a respite. By appointing him to the post of Roman ambassador in the place of Juan de Vega who, in the monarch's opinion, was not tough enough, Charles V proved that he regarded him as a reliable executor of his will.

Mendoza lives in the history of the Council of Trent not only as imperial ambassador but likewise as one of the most powerful influences in that gathering. A Spanish grandee, sprung from an ancient noble family, Mendoza was an accomplished humanist with a passion for collecting books and manuscripts. Even before the opening he had had his rich library taken to Trent. It included many manuscripts of the Greek classics and Church Fathers, printed books on every branch of knowledge and, last but not least, many Lutheran works which he had presumably acquired in Venice. Mendoza's library was a substitute for the conciliar library which had failed to materialise; it also became a centre of attraction for the humanists at Trent who found there the tools they needed for their work. With a view to shortening the time of waiting, the humanists had formed an academy under the patronage of Aristotle. Mendoza took a personal share in their pursuits. Juan Páez de Castro, "that representative of the purest type of Spanish humanism", relates how the ambassador used to encourage and spur him on when his interest in the study of Aristotle's *Mechanics* tended to flag. The love of knowledge burnt bright in the breast of this diplomatist who with one part of his being belonged to the republic of scholars. Even during the periods of greatest tension, when the Emperor made Cervini feel his anger, Mendoza did not scruple to continue his scholarly intercourse with the legate. He lives in the history of European intellectual culture not only as the historian of the war of Granada, but likewise and even chiefly, as the founder of the Greek section of the library of the Escorial with its irreplaceable manuscript treasures.

One of his contemporaries has relieved us of the task of delineating Mendoza's character. Giovanni della Casa, his diplomatic colleague at Venice, had time and opportunity to become thoroughly acquainted with him. Though an adherent of the French party, and as such his political opponent, Della Casa has paid unstinted homage to the high-minded, upright and humane character of this true nobleman: "His

easy-going manner", he writes, "hides his circumspection. He sets great store by dignity of bearing, but displays none of that ostentation by which his nation so often irritates us. He is known to be as good as his word both in his official capacity and in his private life."¹

When in December Francisco de Toledo left the city of the Council for Florence, for the purpose of attending to the financing of the war against Schmalkalden, the only representatives of Charles V at Trent, in the last days of 1546, were Cardinals Pacheco and Madruzzo. They had the assistance of the Spanish Crown jurists Quintana, Vargas and Velasco. When the Emperor refused to ratify the November agreement on the suspension they were unable to prevent the completion and publication of the decree on justification.

¹ In the great biography of Mendoza by González Palencia-E. Mele, *Vida y obras de Don Diego Hurtado de Mendoza*, 3 Vols. (Madrid 1941-3), C.T., has unfortunately not been drawn upon, for Mendoza's stay at Trent. Pandolfini, Cosimo's agent, repeatedly reports to the duke about the illness which kept Mendoza away from the Council during the winter of 1545-6; thus on 9 December 1545, State Arch. Florence, Med. 2966, fol. 52^r: "Il S^r Don Diego per quello intendo, ha ragunato alcuni medici, accioche lo consiglino, se pare loro che debbia andare a Trento rispetto alla sua indispositione, et hanno risoluto di no." Later he added: "è molto male conditionato." On 8 May 1546 Pandolfini reports (*ibid.*, fol. 268): "Il S^r Don Diego duo di fa venne da Padova assai ben rihavutosi". The two interruptions of his stay at Trent at the end of July to the beginning of August and the beginning of October, see C.T., VOL. I, pp. 561, l. 39; 566, l. 27; 577, l. 1; 579, l. 21; his final departure on 3 December, p. 590, l. 11. The Codex of St Cyril mentioned in C.T., VOL. I, p. 570, ll. 23 and 28 must have contained the seventeen books *De adoratione et cultu in spiritu et veritate* (cf. Bardenhewer, *Geschichte der altkirchlichen Litteratur* (Freiburg 1903), VOL. IV, pp. 34 f.). For Mendoza's library: Ch. Graux, *Essai sur l'origine du fonds grec de l'Escorial* (Paris 1880), pp. 165 ff.; thirteen letters of Juan Páez de Castro († 1570) to the historian Zurita, from 6 July 1545 to 30 May 1547 in D. J. Dormer, *Progresos de la historia en el reyno de Aragon* (without place or date), pp. 461-79; see also below in CH. XII. Mendoza's portrait in Della Casa's letter to Farnese of 25 December 1546, Bibl. Ricci 1, fols. 304^v-305^r, or: "D. Diego è di nobile animo et di natura benigna, per quanto io posso giudicare; . . . animo veramente nobile et sincero; . . . è persona che sotto forma di negligente è ben sollecito et accorto, et è molto magnifico senza quella pompa, con la qual la sua nation suole alle volte recar fastidio alla nostra, et ha nome di Signor di sua parola, cosi nel negotio publico come nel privato."

CHAPTER VIII

Completion of the Decree on Justification in the Sixth Session

THE draft of the decree which the legates submitted to the general congregation on 5 November (the November draft) linked up, as to its form, with Seripando's preliminary drafts for the document submitted by him in September—the separation of the doctrinal chapters from the canons was maintained. To each new concept a separate chapter was assigned so that their number rose from eleven to sixteen. Thus, for instance, the previous cap. 8 became cap. 10, 12, and 13. Some transpositions resulted in a more logical sequence of ideas and facilitated a comprehensive view of the subject matter. Cap. 9, on the observance of the commandments, became cap. 11 and was inserted after the teaching on the growth of justifying grace. The wording of the decree was plainer and clearer than that of the September draft. A comparison of the contents of the two drafts submitted to the Council with Seripando's preliminary draft of 31 October, brings to light three alterations which resulted in part from the debate on the two questions and in part from a final recasting of the draft by Del Monte, aided by the Bishop of Bitonto but without the knowledge of Cervini, shortly before the beginning of the congregation.¹

¹ General debate on the November draft and the two articles: The draft, *C.T.*, VOL. V, pp. 634-41; the protocols of the fourteen general congregations from 9 November to 1 December with the *Summarium*, *ibid.*, pp. 642-85. Their essential result has been accurately reported by Severoli, *C.T.*, VOL. I, p. 108. The following votes of Seripando and Costacciaro have been preserved: Seripando, *C.T.*, VOL. V, pp. 666-76; Costacciaro: V. Heynck, "Das Votum des Generals der Konventualen Bonaventura Costacciaro vom 26 November 1546, über die Gnadengewissheit, *Franziskan. Studien*, xxxi (1949), pp. 274-303, 350-95 (with an excellent introduction and commentary); J. Olazarán, "Nuevos documentos Tridentinos sobre la justificación", *Archivo teológico Granatino*, xii (1949), pp. 47-136 (in addition to the text on the certitude of grace this article also gives the two other parts of the vote on the twofold justice and the draft of the decree). The paper of the Carmelite general Audet on the certitude of grace, *C.T.*, VOL. XII, pp. 646-51, is not a tract but part of his vote of 29 November as is rendered evident by the address to the Fathers and the agreement of the quotations (VOL. V, p. 677, l. 1. together with VOL. XII, p. 651, l. 2). The vote of Abbot Isidoro Chiari, published by J. Hefner, *Voten vom Trienter Konzil* (Würzburg 1912), pp. 22-33, after a Venetian edition of 1548, and again in *C.T.*, VOL. XII, pp. 715-22,

If some traces of the doctrine of a twofold justice had remained in the September draft, they were expunged from the November draft, in consequence of the unequivocal attitude of the theologians in the October debate. With a view to excluding the notion that Christ's justice was the formal cause, or part cause, of justification, in the place of, or besides, inherent justice (*iustitia inhaerens*), cap. 8 enumerates the causes of justification (*causae iustificationis*): the final cause (*causa finalis*) is God's glory and man's eternal life; the efficient cause (*causa efficiens*) is God's mercy who accepts the satisfaction offered by his Son; the meritorious cause (*causa meritoria*) is his Passion; the instrumental cause (*causa instrumentalis*) is Baptism; while the formal cause is the one justice bestowed by God whereby man is intrinsically renewed and rendered objectively just. To the assertion that sanctifying grace is the one formal cause of justification corresponds cap. 16, the final one which stated the doctrine of merit. In his preliminary draft of 31 October Seripando had indeed rejected the idea of a second application of Christ's justice in the final justification, but he had made the merit-value of the good works of the justified depend on "participation in the merits of Christ" and "the energy derived from this ever-flowing spring". When the justified appears before God's judgment-seat, Seripando bids him appeal to God's mercy and put his trust in the merits of Christ. The November draft, linking up with the doctrine of the relation of Christ, the Head of the body, with its members, which had been elaborated in the October debate, stated that in the final justification the justified "lacks nothing of what is required for a perfect

was not delivered in the general congregation. The statements by the Bishops of Verona, Worcester, Sinigaglia and Fano on recourse to God's mercy and the justice of Christ, in VOL. V, pp. 645, ll. 45 and 51; 648, l. 10; 650, l. 14; 651, l. 9; Seripando's conception of the relation between the two justices and of Christ's intercession, *ibid.*, pp. 669, l. 1; 667, l. 40; also his answer to the arguments of the opponents, VOL. XII, pp. 668, f.; his criticism of the vote of the Bishop of Fano, VOL. V, p. 641, n. 1; the effect of Seripando's vote, VOL. I, p. 416, n. 1. Vote of Abbot Luciano degli Ottoni, 23 and 24 November, VOL. V, pp. 659 f. Giacomelli's tract against the *duplex iustitia*, presented to Cardinal Farnese in mid-November, VOL. XII, pp. 703-14, is, as Pas remarks in *La doctrine*, p. 26, copied from Salmeron's vote of 16 October. From the legates' report of 6 and 8 November, C.T., VOL. X, pp. 716, l. 16; 717, l. 21, we learn that they reckoned with a prompt acceptance of the November draft, when they would at once begin the debate on residence. According to VOL. X, p. 718, l. 7, Cervini was already concerned about it; even the date of the Session was already being considered, *ibid.*, p. 720, l. 14. On 13 November they reckoned with the conclusion of the debate on the 15th, *ibid.*, p. 723, l. 16; on 22 November they hoped to finish in two days, *ibid.*, p. 735, l. 33, but in reality it went on until 1 December, *ibid.*, p. 745, l. 18. Stella's warning against a debate on the certitude of grace, *ibid.*, pp. 742f.—Literature on the certitude of grace, in Heynck, and also in A. Stakemeier, *Heilsgewissheit*, pp. 145-61.

fulfilment of God's law", so that "he has merited eternal life", for "God will render to everyone according to his works".

This alteration, the work of Del Monte and the Bishop of Bitonto, touched Seripando's religious sense to the quick and drew a strong protest from him. "The whole passage", he wrote in his diary, "looks like the work of a man who does not know what he is talking about or who is haunted by the fear of falling into the errors of the Lutherans, not like that of a theologian who boldly fights against them in the power of the spirit. We would fight them far more effectively if we were less lavish and generous in extolling good works, of which there is a remarkable scarcity among the Christian people at this time, while, on the contrary, we are niggardly and sparing in proclaiming God's grace, the riches of which, St Paul declares, have been poured out upon us superabundantly (Eph. 1, 8). The way to crush these people (the Lutherans) is for us to grow daily richer in good works and to open our mouths only to extol God's grace and mercy."

A second alteration, seemingly a slight one but in reality a weighty one, betrayed its author even more clearly. Seripando's preliminary draft had explained the formula "justification by faith through grace without works" as meaning that "faith is the origin of all true justice" (*a fide . . . omnis vera iustitia oriatur*). The November draft read: "We are said to be justified by faith because the preparation for justification begins with faith" (*quia in ea, quae ad iustificationem est dispositio, prima est fides*). "What do I hear?" Seripando wrote in the margin, "All that we read in the Scriptures about justification by faith is to be understood of the disposition?"

The third alteration must likewise be traced back to Scotist influence. In cap. 9 on the certitude of grace, the reformers' teaching was condemned as before, but the conclusion read thus: "generally" (*communiter*) "man does not know whether he is worthy of God's love"; hence can. 14, beside the Lutheran doctrine of the obligation of believing in one's own justification, also condemned the following proposition: "The justified know generally (*communiter*) that they are in God's grace." The term *communiter* used in both places, was ambiguous. If rendered by "as a rule" it might be accepted by the Thomists, but if it was understood to mean "in most cases", room was left for the Scotist teaching of the certitude by faith, for the toleration of which the Franciscan school had been fighting ever since the presentation of the July draft. As it stood, the expression was a concession to the Scotists.

These three doctrinal corrections remained a subject of discussion until the end of the debate on justification. The number of the canons was raised from twenty-one to thirty-one. In compliance with a desire for a better ordering of them, repeatedly voiced in the course of the October debate, they were co-ordinated with the doctrinal chapters (e.g. can. 8-10 with cap. 7 on the *sola fide* teaching; can. 17-20 with cap. 11 on the keeping of the commandments), though not altogether consistently (can. 12 which appertains to cap. 12, on the certitude of predestination, is placed among the canons about the certitude of grace which correspond to cap. 9).

A comparison of the November draft with the decree finally accepted in the sixth Session reveals a substantial agreement between the two documents as to form and content. The November debate and the work on the text which went on throughout the month of December, produced a number of small changes of detail while the substance remained unaltered: Massarelli's Forms IV and V are no more than a development of the November draft.

In the fourteen general congregations (9 November to 1 December) devoted to the discussion of this draft, many of the Fathers were less concerned to criticise the text than to discuss the two questions which had been pending since October of a twofold justice and the certitude of the state of grace. We begin with them, for though they no longer seriously affect the shaping of the decree, they retain their importance for its understanding.

The doctrine of a twofold justice formulated as implying the necessity of a second application of Christ's justice in the final justification was generally rejected. The coadjutor of Verona and the Bishops of Worcester and Sinigaglia showed, somewhat shyly, a certain amount of sympathy with Seripando's notion, but the Bishop of Fano alone came close to him when he declared: "We must trust in both justices, our own and Christ's, and in the former for the sake of the latter." He too rejected a second application but insisted that the connection of the two justices as elaborated by himself may, and indeed must, work itself out psychologically, that is in one's personal devotional life. His vote improved the climate of the debate but did not alter the result. Only a few voices were heard in favour of a formal rejection of the doctrine of a twofold justice, among them those of the Archbishop of Sassari and the Bishop of Belcastro.

When, on 26 November, Seripando rose to deliver his great discourse, which was to continue even into the congregation of

27 November, he was well aware that there was no prospect of the basic ideas of his doctrine of justification being embodied in the decree. He was content to fight for two things—recognition of his own orthodoxy and toleration for his personal piety. The first objective he secured with most of his listeners: “everyone applauded him”, Severoli notes. For the defence of his devotional attitude—trust in God’s mercy for Christ’s sake, besides our personal merit—he appealed not only to St Augustine, St Bernard and St Thomas, but likewise to the liturgy. “Does not the Church”, he asked, “pray thus at the obsequies of the dead: ‘Enter not into judgment with thy servant, O Lord, for no man is justified before thee, unless thou grant him remission of his sins?’” He pleaded almost desperately to be understood by the theologians of the different schools. In a private conversation with the Franciscan Antonio de la Cruz, Bishop of the Canary Isles, he had tried to find an approach to the Scotists for which, as we have seen, a starting-point was actually in existence, but the attempt proved a failure. All the more eagerly, therefore, did he snatch at the connecting link which he thought was provided by the discourse of the Bishop of Fano and the maiden-speech on 24 November of the newly-elected general of the Dominicans. Francesco Romeo di Castiglione actually denied that in the final justification two justices had to be considered, but he also declared emphatically that inherent justice originates in, and derives from, Christ’s justice. Seripando took up these notions which had already been put forward by the Bishop of Fano. Our justice—once again described as justice of works (*iustitia operum*)—and Christ’s justice are two distinct factors but as intimately connected as are cause and effect, as the ray of light and the sun. To rely on the former is to claim also the latter. The just man lives in a permanent dynamic relationship with Christ, the head. Christ was not content to make for man a perfect satisfaction and to acquire merit for him by a series of never-to-be-repeated acts. In the state of glory, which is his present condition he never ceases to intercede with the Father on behalf of the just and secures for them a favourable judgment. This intercession of Christ in glory is a new act of divine mercy and an effect of Christ’s justice without there being a second application of that justice. In consideration of Christ’s intercession God acts as a merciful judge towards the just bound to him by grace and rewards their works with eternal life in spite of the imperfections that cling to them.

To secure a place for this concept in the decree Seripando proposed two additional clauses to cap. 16: (1) “If a man is conscious of not

having acted with such fervour of charity as to have complied with the commandments of God and thereby merited eternal life, or if he is in doubt about it, let him repent and call upon God's mercy for the sake of the merits of Christ's Passion." (2) "Let a man keep before his eyes the strict judgment of God and in a contrite spirit have recourse to his mercy for the sake of Christ's merits." These two additions were actually "a net full of big fishes". Their fate will presently demand our attention.

The answer to the second of the two questions—the one on the certitude of grace—was left undecided as in the October congregation of theologians. How was it that in point of fact the Council could not get away from this question? The decision of 28 August, to condemn only the Lutheran certitude of salvation, had never been reversed. That this question remained a subject of controversy literally up to the eve of the Session was not only due to the fact that the numerically strong and influential Scotist school, with which Del Monte was in sympathy, offered the utmost resistance to any formulation of the decree that might be construed as a condemnation of their teaching, it was also due to a feeling that the condemnation of the Lutheran certitude of salvation presupposed a clarification of their own, the Catholic standpoint.

Severoli was right when he observed that the Spaniards, headed by Pacheco, were practically unanimous in their rejection of the possibility of a certitude of faith in respect of the state of grace. Their chief motive was undoubtedly their anxiety to avoid any kind of approximation to Luther's teaching. For the rest, their attitude was in keeping with Thomistic teaching, but the example of the Bishop of the Canaries shows that it was not exclusively determined by loyalty to a school. They were fully justified in regarding the term *communiter* in cap. 9 and can. 14 as ambiguous, while their wish to see it replaced by the unequivocally Thomistic expression *communi lege* (as a general rule) did not close the door to the possibility admitted by everybody that such a certitude of grace may be granted through a private revelation.

The champions of the possibility (not the necessity) of a certitude of the state of grace derived from faith were not exclusively recruited from the Franciscan camp. The Dominican Ambrosius Catharinus was of opinion that by a special gift of faith (*fides particularis*) man may obtain a certitude of facts—hence in the present instance, of his being in a state of grace. The two Benedictines Luciano degli Ottoni, Abbot of Pomposa near Ferrara, and Isidoro Chiari, Abbot of Pontida

near Bergamo, sided with the Scotists though for a different reason. According to Luciano the just man is actually bound to believe that he will attain eternal life.

The chief event in the course of the debate on the certitude of grace was the vote of the general of the Conventuals, Bonaventura Costacciaro, delivered on 26 November. Previous to his election as general Costacciaro had been regent of the houses of study of his Order at Padua and Venice. His high standing as a theologian, which Cervini recognised by seeking his opinion on the September draft, was confirmed and further enhanced by the comprehensive exposition and defence of the Scotist standpoint which he submitted. His first aim was to prove that his school rightly appealed to Scotus; at any rate it did not contradict him, as, not without cause, it had been alleged. No less important was it for him to furnish proof that the Scotist conception had nothing in common with the Lutheran certitude of salvation and was not attacked by the Bull *Exsurge* and the censures of the Universities of Paris and Louvain. In his view it followed a middle course between two extremes, the Lutheran and the Thomistic teaching. The virtue of the sacraments of Baptism and Penance, in which every Christian is bound to believe, gives to the adequately disposed recipient a certitude of his being in a state of grace which stems from faith. The obvious objection that it is precisely of this adequate disposition—hence of the prerequisite of this kind of certitude of faith—that there can be no certainty, he counters with the axiom—"To him who does what in him lies God does not deny his grace." God does not demand from the sinner a contrition of a determined intensity, the adequacy of which could be in no doubt; he only requires that sin should displease the sinner, in other words that he should have that imperfect contrition which Gabriel Biel had watered down to a mere "putting no obstacles in the way" (*non ponere obicem*). The virtue of the directly operative sacrament (*ex opere operato*) perfects the inadequate disposition and procures for the recipient a certitude resting on faith that he is in a state of grace. Costacciaro accordingly insisted on the retention in cap. 9 of the expression *communiter* to which the other side took exception and proposed the following formula for can. 14: "If anyone says that the regenerated and justified are bound to believe for certain that they are in a state of grace, or that the justified know for certain that they are in a state of grace, unless it be on the ground of Baptism of water, or of blood, or the reception of the sacrament of Penance—let him be anathema." The intercalation contained the Scotist view. If

the Council accepted this text it would condemn the Lutheran doctrine of the certitude of salvation but approve at the same time the Scotist certitude of grace through faith.

Out of a great number of proposals we have selected those made by Seripando and Costacciaro as typical. They were connected with the answer to the two supplementary questions submitted to the plenary assembly at the same time as the main subject of debate—the November draft. By and large the draft itself met with the favourable reception which it deserved. “Apart from a few passages”, Campeggio observed on 9 November, “the decree is well worked out. The legates, in conjunction with the deputies, should now put the finishing touches to it, fix a date for the Session and promulgate the decree at an early date (*cito*).” In the votes of a number of Fathers it is easy to perceive their impatience to see the end of the debate and to reap the fruit of their labours. In their report of 8 December the legates still counted on a speedy acceptance of the decree; but in the sequel they had to see the votes getting ever longer. On 22 November they hoped for the conclusion of the debate within two days, but as a matter of fact it was destined to go on until 1 December. Only two votes created a justifiable sensation.

In his vote of 18 November the Bishop of Fano, as we have seen, not only spoke in favour of the twofold justice, but to everybody’s surprise he went on to say that cap. 6 of the decree had nothing to do with the preparation for justification—what it described was justification itself. He disapproved of faith being ranked with the preparatory acts and its omission, in cap. 8, from the list of the causes of justification. Thus Pietro Bertano criticised the draft openly whereas the cautious Seripando, with his customary reserve, only did so in a private conversation with Cervini and in the pages of his diary.

Abbot Luciano’s criticism started from the definition of faith. “Basing himself on the arguments of the Lutherans”, Massarelli records, the Abbot on 23 November propounded a thesis which was in direct opposition to the text of cap. 15. It was to the effect that the loss of justice necessarily entails the loss of faith since faith and sin are irreconcilable. The assembly perceived at once that this thesis rested on the Lutheran conception of faith, and betrayed its uneasiness. However, there was no repetition of the Sanfelice incident. The president asked the abbot whether what he had said was his personal opinion. Luciano replied in the affirmative, but on the following day he explained that his thesis must not be understood of any kind of faith,

but only of *fides formata* that is, of faith informed by charity. The explanation was equivalent to a recantation. The loss of *fides formata* by grievous sin was a tautology; the question was the co-existence with sin of a true, supernatural faith unaccompanied by charity, and on this point Luciano had clearly sided with Luther on 23 November.

In this last stage of the discussion the conception of faith and its place in the process of justification constituted more than ever the focal point of the debate. We will attempt to draw a picture of this final stage though it is not possible to follow up in all its minute details the work then accomplished.¹

We may ask: "By whom was this final, minute and exceedingly laborious task performed?"

Both the September and the November drafts were the work of Cervini and his confidants whom he had consulted privately. Now that the general debate on the November draft was at an end, the legates called in once more the commission formed in July but which had been unemployed since the withdrawal of their draft—the July draft. Thus it came about that in this last phase one member of the commission, namely the Bishop of Bitonto, came into prominence, was frequently consulted by Massarelli at the bidding of the legates, and acted as spokesman of the commission in the general congregations. In

¹ Work on the November draft from 1 to 17 December: For the nine *Dubia graviora*, C.T., VOL. v, pp. 686 f., which were read in the general congregation of 3 December, *ibid.*, pp. 685 f., and distributed in writing on the 4th, VOL. I, p. 590, l. 16; the vote in the general congregation on the 6th was by simple *placet* or *non placet*, VOL. v, pp. 687-91, as well as on the following day, *ibid.*, pp. 691 ff.; see also the original vote of the Bishop of Sinigaglia, 6 December, *ibid.*, pp. xl f. At the same time there was intense activity on the part of the legates and the deputies whose co-operation had been insisted upon by the Bishop of Feltre, *ibid.*, p. 643, l. 46. Since 25 November Massarelli had privately consulted, though of course by order of Cervini, the Bishop of Bitonto (VOL. I, p. 588, ll. 9 and 23), Seripando (*ibid.*, p. 589, ll. 1 and 10, and on the second occasion also Bonuccio) and the Bishop of Fano (*ibid.*, p. 591, l. 13). Between 30 November and 12 December the commission met nine times under the presidency of the legates and they got as far as cap. 7, 1-5 (VOL. x, p. 752, l. 23); the remainder was finished by 14 December (*ibid.*, p. 758, l. 16). With great satisfaction Cervini saw the new formulation accepted "uno omnium consensu", *ibid.*, p. 759, l. 17. The legates were determined to secure the approval of the decree at any price ("a ogni modo") by the plenary assembly before Christmas and at the same to fix the date of the Session for which they even then regarded the octave of the Epiphany as the most suitable. In the general congregation of 17 December the majority were so insistent on an early promulgation of the decree that the legates reported to Rome that it was perhaps no longer possible for them to postpone the publication of the decree any further, VOL. x, p. 761, l. 6. During these weeks Massarelli had to bear the main weight of the technical labour; he accordingly noted in his diary, at the end of a laborious day: "Vide tu, quid tota die egerim", C.T., VOL. I, p. 592, l. 43.

the course of three congregations (13 November and 1 and 2 December) the commission arranged into two main groups the numerous suggestions for an improvement of the text made in the course of the debate, the one consisting of slight corrections, mostly of style, which would not be submitted to the whole body of the Council; the other of nine important questions which the president put to the general congregation on 3 December for their decision: (1) In the description of the disposition for justification in cap. 6, should faith and hope be expressly described as acts and thereby differentiated from the habit of these virtues which are infused in the act of justification itself? (2) Should charity be included among the preparatory acts? (3) Is the rejection of justification through the imputation of the one justice of Christ worded with sufficient clarity? (4) Are faith and works placed in the right relation to justification? (5) Should the notion that in the final justification the merits of the just need to be perfected by means of an appeal to God's mercy and by recourse to Christ's merits, which was suppressed in the November draft, be once more embodied in the decree? (6) Would it not be advisable to devote a special canon to the condemnation of the doctrine that faith without charity (*fides informis*) is not Christian faith? (7) Should can. 15, which is aimed at the Pelagians, be combined with the other anti-Pelagian canons and placed after can. 4? (8) Is the present condemnation of the Lutheran certitude of salvation adequate? (9) Should the introductory formula, that after mature discussion the Council has drawn up canons, have its place at the head of the entire decree, or should it come immediately before the canons?

It is not difficult to detect in these nine questions the proposals made by Seripando (5) and Costacciaro (8), the objections of the Bishop of Fano (4) and those of Luciano (6), while the first two must be traced back to the Scotist and Thomistic schools' divergent views of the preparatory dispositions. Beneath the last question there lurked a problem fraught with most weighty consequences—the problem, namely, of the authority of the doctrinal chapters. The voting on the nine questions on 6 and 7 December showed that there was but little inclination to alter the existing text. Only eight votes favoured the inclusion of the concepts of *actus* and *habitus*, and fewer still supported Seripando's proposal of two additional clauses in cap. 16. The condemnation of the *sola fide* doctrine was found inadequate by five Fathers but that of the imputed justice by fourteen. Twenty votes favoured a canon on *fides informis* while twenty-three wished charity

to be included in the preparatory acts. This number throws light on the strength of the Franciscan school.

The vote on the nine questions had enabled the legates to ascertain the Council's views on the revision of the November draft which had become necessary. They could not have been blamed if they had left the final formulation to the commission chosen by the Council and then submitted it in its entirety to the vote of the assembly. However they chose a much more arduous road. The new formulation of the November draft, described by Massarelli as Form IV, which they had elaborated in conjunction with the deputies, was subjected to a fresh scrutiny, chapter by chapter, canon by canon, in eight general congregations held between 7 and 17 December. Not content with this, the legates convened those of the bishops who were also trained theologians for the purpose of once more examining with them every important aspect of the problem, so as to make sure of the assent of the plenary assembly. This small, expert circle of episcopal theologians held no less than eighteen conferences.¹

This body, now mentioned for the first time, was not a commission. It had not been chosen by the Council and it worked with the commission. Unlike the general congregation, it was not entitled to pass final decisions, nor was it a purely consultative group, as were the

¹ Conferences of the bishops-theologians: according to *C.T.*, VOL. v, p. 704, l. 24, the group comprised the Archbishops of Aix, Sassari and Armagh and the Bishops of Chironissa, Porto, Motula, Bosa, Castellamare, Fano, Verona, Lanciano, Bitonto, Bertinoro, Belcastro, Salpi, Minori, the Canary Isles, and De' Nobili, and finally the six generals of the Orders. Of the eighteen archbishops and bishops, six were Dominicans, three Franciscans, one a Carmelite, the rest were seculars. The Archbishops of Aix, Armagh and Verona had long been known as able theologians. The Bishop of Lanciano had studied theology at Valladolid (Gutiérrez, *Españoles*, pp. 702 ff.) and we know that the Bishop of Castellamare had studied at Salamanca (*ibid.*, pp. 616 ff.).—The four congregations here described, and summoned to discuss the meaning of the text in Rom. III, 28, *C.T.*, VOL. v, pp. 724 f. (17 December); 729 ff. (18 December); 733 ff. (21 December); 735 ff. (22 December), are based on the so-called Form IV of cap. 7; *C.T.*, VOL. v, p. 696. Cervini's standpoint in respect of the significance of the Fathers of the Church, *C.T.*, VOL. v, pp. 729, l. 21; 731, l. 34; 734, l. 23; Sirleto's letters, VOL. x, pp. 994-7. An analysis of these congregations in E. Stakemeier, *Glaube und Rechtfertigung*, pp. 109-20. The two congregations on the inclusion of *fides* in the causal scheme, cap. 8, *C.T.*, VOL. v, pp. 738 ff. (23 December); 741 ff. (28 December); Seripando's criticism in his original vote, *ibid.*, p. 743, ll. 20 and 27. The controversy on James, II, 24, *C.T.*, VOL. v, pp. 750 f. (31 December); the Archbishop of Armagh's defence of the view that hope must precede fear, *ibid.*, pp. 764; 780-4. Conclusion of the debate on the certitude of grace, *ibid.*, pp. 727 f., 772 f., cf. A. Stakemeier, *Heilsgewissheit*, pp. 167-70; Schierse in *Weltkonzil*, VOL. I, pp. 145-67. According to Massarelli's reckoning Form IV of the decree is the new version of the November draft which the general congregation began to discuss on 7 December and Form V the version submitted for approval on 9 January, *C.T.*, VOL. v, pp. 776, ff.

congregations of theologians. Its members had a definitive vote in the general congregations and on account of their authority as theologians they were able to turn the scale in that assembly. Besides the generals of Orders, whose membership was a matter of course, it included eighteen bishops, namely six Dominicans (the Bishops of Motula, Bosa, Fano, Bertinoro, Salpi, Minori); three Franciscans (the Bishops of Chironissa and Bitonto and the Bishop of the Canary Isles); one Carmelite (the Bishop of Porto). The remaining eight were seculars, three of whom, namely the Archbishops of Aix and Armagh and the Bishop of Verona, who were generally known as theologians, while the Bishops of Lanciano and Castellamare—both of them Spaniards—had given proof of their theological competence by their teaching activity at Salamanca and Valladolid. The protocols of the sessions at our disposal are evidence of the high level of the discussions. No carefully prepared papers were read, as was so often done in the general congregations, but genuine discussions developed which led to an evident clarification of the subject under consideration. From the protocols we learn which aspects of the problem of justification occupied and weighed upon the Council up to the last.

Three conferences were required (13-15 December) before cap. 6, on the preparation for justification, was given its final form. On 17 December, in connection with cap. 7, Cervini put this question: "How are we to understand St Paul's words that we are justified by faith?" The Scotists, joined by the Dominicans Stella and Catharinus, replied that we are justified by faith because the act of faith stands at the beginning of the disposition. The Thomist's answer—and they were supported by Seripando and Bonuccio—was that only faith combined with charity (*fides formata charitate*) has power to justify, though faith does play a role in the preparation. Dissatisfied with these differences of opinion, Cervini put his question more precisely: "How has the Church understood St Paul when he says that we are justified by faith alone?" The cardinal did not shy at the formula. He emphatically declared his own conviction that the mind of the Church was to be found in the writings of the Fathers rather than in scholastic theology, in fact on 18 December he submitted a collection of relevant texts of the Greek Fathers (Origen, Chrysostom, Cyril of Alexandria, Theodoret of Cyprus, Theophylact) which was no more than a fragment of the rich patristic material which his familiar, Guglielmo Sirleto, a *scriptor* of the Vatican Library, had collected for him in the course of the summer. In accordance with the cardinal's desire, and following

his example, the prelates made greater efforts than hitherto to strengthen the argument from tradition. The Bishop of Fano argued that St Paul was his own interpreter; the *sola fide* excluded the legal works of the Old Law, not the ensuing good works, but only by faith do we make justice our own (*per fidem iustitia apprehenditur*). However, in the opinion of more than one Father (among others, the Bishop of the Canary Isles and the general of the Dominicans) this kind of language came much too close to that of the Lutherans. On the other hand this shifting of the discussion from scholastic speculation to an understanding of the Scriptures and the Fathers brought the two opposing theological parties closer together, so much so in fact that on 21 December, at the opening of the third conference, Cervini was able to suggest that the text of Rom. III, 28, quoted in cap. 7, should be understood to mean that "we are said to be justified by faith because faith is the beginning of man's salvation, the root and foundation of the whole of justification, for 'without faith it is impossible to please God' (Heb. XI, 6)". "But was not the antithesis to the works of the Law left out in this formula?" the Bishop of Porto asked. "Was it not expedient to add a clause about the role of faith in our good works?" the Bishop of Bitonto enquired. In spite of these objections Cervini's formula received the assent of most of those present, but the question of the relation of faith to the works of the Law was nevertheless taken up once more on the following day. St Paul ascribes justification to faith "without the works of the Law" (Rom. III, 24 and 28), or simply "without works" (Rom. IV, 6; Eph. II, 9). The question was: should the words *sine operibus legis* be retained in the decree although alternatively the other formula (which omits *legis*) could be equally well maintained? Or should they be content with the explanation given further on, that justification by faith is not preceded by any merit? The simple clause *sine operibus*, the Bishop of Porto observed, would contradict the text in James II, 24. The Bishop of Castellamare described this explanation as quite erroneous. Accordingly, in order to avoid a lengthy explanation of the kind of works that were excluded, it was decided to omit the words *sine operibus*.

Cap. 7 created yet a further difficulty: was not the term *gratis* in contradiction with the condition demanded by the expression *per fidem*? It was felt that the apparent contradiction would be removed by adding that faith is also a grace (*gratis datur*), like all the other acts that precede justification. It was the Bishop of Bitonto who found the appropriate formula: "We are said to be justified gratuitously (*gratis*) because by

none of the acts that precede justification, whether faith or works, do we merit the grace by which we are justified."

The discussion of the problem of faith and justification was concluded in the conference of the episcopal theologians held on 23 December. Cervini put the question whether, in cap. 8, faith should be specially mentioned as one of the causes of justification. This rekindled the old opposition between the Scotists who would only admit faith as a *causa dispositiva*, and the adherents of the Thomist and Augustinian schools who, not satisfied with such a view, wished to see faith embodied in the schema either as an instrumental cause, or as part of the formal cause (thus the Bishops of Porto and Bitonto), or else left out altogether on account of its singular place in the process of justification (thus the Bishop of Bertinoro). The meeting broke up "in a state of great disunity" before the generals of Orders had been able to speak. When they met once more, after Christmas, on 28 December, the general of the Dominicans surprised everyone present by declaring that "faith is nothing else than the disposition for justification". This thesis, which no one expected to hear from him, he further elaborated by adding that "faith must be conceived as a kind of instrument used by man". Thus the discussion had got beyond mere school theology. The Bishop of Bitonto had come close to the Thomists with his statement that faith was no mere disposing cause but effects justification and can therefore be described as an instrumental cause *ex parte nostra*. Seripando was against ranking faith in the scheme of causes, for the characteristic motive that "all these difficulties arise out of philosophy and our use of its terminology when we attempt to speak of the divine mysteries". Bonuccio recommended a formulation by the Louvain theologian John Driedo, the only controversial theologian quoted besides John Fisher in the course of these discussions of the experts. This was perhaps their most valuable result. Instead of clinging to current polemical catchwords, the theologians had got down to the root-causes of the divergences. Cervini's proposal for a further emphasis on faith, in cap. 8, by the addition to the clause about Baptism of the words "the sacrament of faith by which we receive the promise of the Spirit", met with no response.

In the course of the revision of cap. 10, on 31 December, Cervini raised the question whether the text in James II, 24 (*ex operibus iustificatur homo et non ex fide tantum*), was actually to be understood of the second justification, as its quotation in this context tacitly presupposes. Three Scotists (the Archbishop of Armagh, Grechetto and the Bishop

of the Canaries) argued that in this text St James also speaks of the first justification, that is, of the works that precede it. Seripando gave them his support and in so doing appealed to St Augustine—though in a different sense: “If in Rom. III, 28, St Paul were speaking of the first justification, and James II, 24, of the second, St Augustine could have cleared up the whole difficulty with one word. If he did not do so it was because he was of opinion that both Apostles spoke of one and the same justification, though seen from two different points of view. St Paul excludes good works done previous to faith while St James teaches that works done in faith may not be excluded from the process of justification.”

Yet another question came up, namely whether in connection with good works which contribute to the increase of the grace of justification, mention should be made of the observance of the evangelical counsels—poverty, chastity and obedience. Several members of religious Orders, among them the Bishop of the Canary Isles, the general of the Dominicans and the coadjutor of Verona, were in favour of such a mention; however, Cervini's opinion that they should be content with not excluding them in this context prevailed. On 8 and 11 January, after unanimity had been achieved on all important formulations, the Archbishop of Armagh, with true Scottish obstinacy, pressed once more his view that in the psychology of justification the place of hope comes before that of fear. On 9 January 1547, the controversy over the certitude of grace was at last concluded. Cap. 9 of the decree had been purposely kept out of the deliberations of the bishops-theologians and the debates of the general congregations, but in the general congregation of 17 December, in spite of Pacheco's opposition, and by a majority of thirty-three votes against sixteen (there were six abstentions), the Council decided once more to confine itself to a condemnation of the Lutheran certitude of salvation. Considerable difficulties nevertheless arose when it came to the final formulation. One formula, which favoured the Scotist view and only excluded knowledge of the state of grace and had the additional clause that not all are bound at all times to believe in their being in a state of grace, was defeated by the Thomists led by the general of the Dominicans. The new formula, to which both sides finally agreed, definitely removed the ambiguity of the conception of faith which lay at the root of the problem. It ran as follows: “No one can be certain of his being in a state of grace with a certitude of faith that cannot be subject to error (*cui non potest subesse falsum*).” This formula denied the certitude of faith in the sense in which the Thomists

understood it while a certitude stemming from faith as conceived by the Scotists was left an open question. This solution was finally approved in the general congregation of 11 January 1547, within the framework of the new formulation of the decree, which was the result of the arduous labours of the three bodies concerned, that is, the commission, the episcopal theologians and the general congregation, and was described as Form V by Massarelli.

"God be praised", the president, Del Monte, said as he concluded the gathering, "that this sacrosanct decree on justification has been approved by all, to his glory."

The termination of the debate on justification in the course of the last weeks of 1546 and in the first days of 1547 had been favoured, in fact had been made possible, by the circumstance that the Emperor's decision concerning the November agreement had been delayed for a whole month and that when it turned out to be in the negative, it did not veto the completion of the decree which remained as unwelcome to him as it had always been. Yielding to the legates' pressure the Pope decided to have the decree published regardless of the Emperor's wishes.

In Rome too the Tridentine November agreement had not met with the favourable reception that might have been expected in view of the fact that it had been negotiated by the Pope's nephew and that it conceded the longed-for suspension. When the text was read to the conciliar deputation of cardinals, on 26 November, those present looked at one another in momentary astonishment. Morone was the first to break the silence: "Cardinal Farnese", he said, "comes from the imperial court and has acted in accordance with the Emperor's ideas, and to please him the conciliar legates have given their assent. However, their opinion will only be known through their next report which they will send on as soon as the nephew has left Trent." This statement was challenged by Cardinal Ardinghello, a "creature" of Farnese, and high words were exchanged between the two men without any tangible result being arrived at. The Pope himself shared the suspicion that Farnese had gone too far in meeting the Emperor's demands, above all he suspected that, though he was not authorised to do so, the cardinal had held out the prospect of a prolongation of the military alliance. Of the agreement he spoke at first approvingly (26 November) but before long (29 November) he made considerable reservations: he did not find fault with it, he said, but would have been better pleased if the

suspension of the Council had not been made to depend on the Emperor's assent. We may call to mind that when the plan for a translation was first discussed the Pontiff had given strict orders to Nuncio Verallo not to seek the Emperor's formal assent since the decision of the fate of the Council was to be exclusively the Pope's concern. For the time being, therefore, Paul III did not reject the agreement, but decided to await the Emperor's decision: if the latter ratified it, he could be satisfied since this would be in substantial agreement with his own earlier instructions about the suspension. But even so the Pope insisted that the suspension must not be decreed by himself in virtue of his supreme authority, but the legates were to be instructed to have it decreed by the Council. Work on the prospective reform Bull on the impediments to residence had already begun. It proved the occasion for another objection to the agreement. Did not the Bull make various concessions to the bishops while in the sphere of dogma the publication of the decree on justification had not led to any simultaneous and visible progress? The impression could easily be created that with this Bull the Pope was purchasing a suspension, on which he continued to insist even if the Emperor refused to ratify the agreement. In the latter event there was only one thing to do: the legates would have to seek a decision in favour of a suspension, if need be with the help of an exclusively Italian majority; they would only desist if the opposition were to show signs that they would refuse to comply with such a decision and would lodge a protest against it.¹ The legates' alternative plan, to be mentioned presently, of publishing the decree of justification and in the same Session to fix a date for the final Session, the Pope regarded as incapable of execution.

The legates had had their doubts about the Emperor's ratification from the beginning. Nearly a month went by before the Tridentine courier whom Mendoza had despatched to the imperial court on 16 November, returned to the city of the Council. But even after his arrival, on 11 December, the imperial cardinals, who in Toledo's absence were in charge of the Emperor's interests, wrapped themselves in silence for a whole week. Their attitude was not at all unwelcome to the legates; it gave them time to put the finishing touches to the decree on justification. In their opinion the agreement was already

¹ Reception in Rome of the November agreement; report of Gianbattista Cervini on the session of the committee of cardinals of 27 November, *C.T.*, vol. x, p. 915, l. 29; the Pope's reserve after Santa Fiora's instructions of 26 and 29 November, *ibid.*, pp. 739 f., 743 f., clarified by Maffeo, *ibid.*, p. 740, l. 14; upholding of the plan for a suspension after Santa Fiora's instructions to the legates on 4 December, *ibid.*, p. 749, l. 20.

obsolete when on 20 December Pacheco and Madruzzo handed them the Emperor's reply. It was in the negative.¹

Charles V only approved the second part of the agreement—the publication of a Bull on the duty of residence; but he added a request that regard should be had for the requirements of the Spanish Church. The two main points, namely the completion of the decree on justification, without its promulgation, and the suspension of the Council, he rejected. His earlier demand, that the decree should be submitted to the Universities of Paris and Louvain, was now toned down to a suggestion that doctors of both universities should be invited to Trent. However, the real aim was the same as before, namely to delay the conclusion of the deliberations. The same arguments, it was said, were valid against a suspension as against a translation; moreover the favourable turn in the war brought the arrival of the Protestants sensibly nearer.

Thus the Emperor refused to ratify the agreement of 16 November whose three points, as the legates pointed out at once, constituted a unity—the rejection of two of them invalidated the third. The legates breathed more freely. They felt at liberty to let the Council run its course and, if at all possible, to bring it to an early termination. This was their chief objective and the complete solution which they had kept in mind ever since the failure of their plan for a suspension or a translation. They reasoned along the following lines: the pastoral interests of the countries that remained Catholic—Italy, Spain and France—needed a definition of the Catholic doctrine of justification; Germany could not be taken into account indefinitely; once the decrees on justification and residence were published, the Council would have accomplished its most important and most arduous task and the conclusion would be brought sensibly nearer. The remaining dogmatic subjects could be dealt with more expeditiously, as was done for the decree on original sin, since for the most part there was question of doctrines that had been officially condemned in the past. The decree on justification, so long and so thoroughly discussed, was the key to all those that were to follow. The reform decrees would prove even less troublesome. All that needed doing was to enforce timely canons and for the rest to insist on the observance of existing legislation. In this

¹ The Emperor rejects the agreement of Trent: the legates' scepticism, *C.T.*, vol. x, p. 755, l. 24, and their determination to make capital of the delay ("battere il ferro"), *ibid.*, pp. 758 f. The legates' report on the negotiations with the two imperial cardinals, *ibid.*, pp. 762 ff., supplemented by the parallel letter of Cervini to Maffeo, pp. 765 f.

way the Council might be brought to a close within six months, or even less. The next step on this road would be for the forthcoming Session to fix by means of a decree the date of the final Session. The Council would be bound by a decree of this kind; in the opinion of canonists it could not be invalidated by a unilateral decision of that body; it could only be invalidated with the assent of the legates. This would open for the bishops the prospect of the end of the Council for which they were impatiently waiting; no longer would they be able to plead the excuse that "there was no end to the Council", that "it went on for ever". By fixing a time-limit they would meet the opinion which had inspired the plan for a translation, and latterly for a suspension. Above all it would be the best and most satisfactory solution for the Pope. By this time the Council of Trent had lasted a whole year. Most of the earlier General Councils—apart from those of the previous century, Constance, Basle and the Lateran—had as a rule lasted only a few months, not years. The certainty of an early termination of the Council, guaranteed by a firm time-limit for the final Session to be decreed in the forthcoming Session, seemed to the legates the most desirable solution of the whole problem of the Council now that the Tridentine agreement had been rejected by the Emperor.¹

However, even the date of this forthcoming Session was not yet fixed while the debate on the duty of residence had not even begun! The legates planned to get the date of the Session fixed by the afternoon congregation of 20 December and firmly refused to put off the latter meeting until the Pope should have declared his mind. The moment was favourable; they were determined to strike the iron while it was hot and to push on the negotiations with the utmost energy. They ignored the imperial cardinals' request for a delay. They did so all the more readily as they had learned through Severoli that even in the Spanish camp some of the ablest men, such as the Bishops of Badajoz, Calahorra and Astorga, were anxious for an early termination of the Council, hence also for the immediate completion of the decree of justification.

In the general congregation of 17 December the legates had successfully prevented a fresh general debate on the certitude of grace as

¹ Proposal by the legates to fix a date for the final Session, *C.T.*, VOL. X, pp. 737 f. (24 November); Maffeo's rejoinder, *ibid.*, p. 750, l. 24, more decided than Santa Fiora's p. 750, l. 8. Cervini endeavoured to refute Maffeo's objections, *ibid.*, pp. 753 ff., and even more fully in the "Ragioni" destined for the Pope's own eyes, pp. 766 f. The extraordinarily important communication of the three Spanish bishops, to the effect that they too were anxious for an early termination of the Council, *ibid.*, p. 748, l. 8.

advocated by the imperial party. Such a debate would have delayed the conclusion of the discussion for weeks, perhaps for months. The climate of the discussions had worsened not a little as a result of certain critical remarks dropped by two prelates of the Curia who had come from Rome as recently as the last days of November, namely the papal Vicar General, Filippo Archinto, and the auditor of the Apostolic Camera, Gianbattista Cicada. "Satan", the former had said, "seeks to prevent the completion of the decree by means of this far-fetched controversy", and Cicada had spoken of a bad spirit that had crept into the Council. Pacheco took these words as referring to himself since it was he who had insisted on a debate on the certitude of grace. He gave vent to his resentment in the general congregation of 20 December.¹

The legates proposed that the Council should declare its agreement to a date being fixed for the next Session and to the opening of the debate on the obligation of residence, but no general discussion and still less no final decision on these two topics was contemplated that day. The legates were anxious not to lay themselves open to the accusation of seeking to take the Council by surprise and to await instructions from Rome which they thought would be in their hands after the Christmas festivities. As was to be expected, Pacheco strongly objected to a time-limit for the Session before the completion of the second decree—that on residence. His main argument, the Council's unhappy experience with the July date, was not easy to refute. On his real motive, a political one, Pacheco observed a cautious silence, yet it was to this motive that the biting remark of the Archbishop of Corfu referred when he said: "we are being deceived" (*decipimur*). The remark came opportunely for the legates inasmuch as it served to convince the Emperor's representatives of the majority's longing for the conclusion of the debate. It also enabled them to demonstrate the fact that they were above the parties by administering a correction to the archbishop: "Language such as this is unbecoming at a Council",

¹ The date of the Session fixed in the general congregations of 17, 20 and 29 December; Severoli, *C.T.*, VOL. I, pp. 109-12; the acts, VOL. V, pp. 727 f., 732 f., 743 ff. What the intentions of the legates were on 20 December we learn from their report, VOL. X, p. 763, l. 40. The result of the vote on 29 December (of 59 entitled to a vote 16 gave an unfavourable one) as given by Severoli and the acts, is confirmed by the legates' report, *ibid.*, p. 772, l. 12 ("più che due terzi"). The minority was made up of 7 Spaniards (that is all the Spaniards except the Bishop of Sassari), 5 bishops of the kingdom of Naples, 3 other Italians (the Bishops of Sinigaglia, Fiesole and Calice) and, to the legates' surprise, the Bishop of Worcester. For the general congregations from 3 to 10 January which were devoted to the preparations of the decree on residence, see below, CH. IX.

Cervini said (*neque huic sacro loco convenit*). On the other hand Cicada's remark, to which Pacheco had taken exception, he excused on the ground that the long-drawn debate on justification had frayed the bishops' nerves and made them suspicious. At the conclusion of the meeting Del Monte sought to smooth the general irritation with a humorous sally: "In Accursius, whom Archinto has quoted, there is another passage to the effect that 'a man with an empty stomach is a bad listener'." The time was the twenty-third hour of the day, that is, four o'clock in the afternoon and long past the hour of the midday meal.

After the Christmas holidays, in the general congregation of 29 December, the legates experienced no great difficulty in winning over the majority of the Council for the proposed date of the Session, namely the octave day of the Epiphany. The imperial block, with sixteen votes at its disposal, kept together, but individual members spoke with the utmost caution. Before long it became evident that their objections to a fixed date were well founded since the decree on justification was not yet completed and the debate on residence had not yet begun: they were not "unscrupulous", as Grechetto told the Bishop of Sinigaglia.

This success restored to the legates a sense of security they had not enjoyed since the last days of July; they felt that the direction of the Council was firmly in their hands. On 2 January 1547, Cervini wrote to his friend Maffeo: "At the moment the situation at the Council is such that with the help of God we shall be able to give effect to all our legitimate desires." The imperial party had no precise instructions and lacked firm guidance. The legates accordingly pushed on the negotiations with great firmness. The reform decree on the duty of residence was rushed through—the expression is not too strong—during the first ten days of January and was approved two days later, though after the fateful concession that divergent opinions could be submitted in writing even in the course of the Session. On the other hand the legates had perforce to abandon their long-distance plan for fixing even now a time-limit for the final Session of the Council owing to the Pope's desire for an early date. This wish was prompted by the course of events in Germany.¹

¹ Approval of both decrees on 11 and 12 January: *C.T.*, VOL. I, pp. 120 f.; VOL. V, pp. 78c-9; the legates' sense of personal assurance recovered, VOL. X, p. 779, l. 20, Verallo's report from Germany of 17 and 21 December, *N.B.I.*, VOL. IX, pp. 390 ff., 404 ff.; cf. *C.T.*, VOL. X, p. 777, n. 4. The studied French optimism, in Dandino's letters, *ibid.*, p. 768, l. 15. Maffeo's somewhat premature assurance of the Emperor's impending victory, *ibid.*, p. 782, l. 5. For the final efforts of the imperial party in

The reports from the German theatre of war which reached Rome and Trent foreshadowed, even before the end of 1546, the collapse of the Schmalkaldic rebellion in South Germany. Ulm, an imperial city, had surrendered to the Emperor, Augsburg and Strasbourg were negotiating with him. So was the Duke of Württemberg. The boastful reports of the solidarity of the confederates and their favourable financial situation, which the French court put in circulation through Dandino, were unmasked and were seen to be pure propaganda. Maffeo summed up his impressions—somewhat prematurely—in these words: “The whole of Germany is returning to the obedience of the Emperor.” For the imperial party in Rome this favourable turn of events came as a powerful incentive for a supreme effort to prevent the publication of the decree on justification at the eleventh hour by means of a direct papal intervention in the course of the Council. They had failed at Trent, but it was by no means certain that under the impression of the Emperor’s successes, the Pope would not end by recommending a waiting-policy. However, Paul III faced the imperialists with the dilemma: “Either the decree or a suspension.” It was impossible to keep the Council in a state of uncertainty and unable to achieve tangible results. On this point the Pope remained firm but he hesitated to fall in with the legates’ plan for fixing thus early a time-limit for the final Session. Such a step would only serve to strengthen the impression that they were anxious to slam the door of the Council before the arrival of German representatives. The Pope accordingly instructed the legates on 7 January to fix an early date for the next Session rather than a late one. This directive, which was received at Trent on 11 January, proved decisive for the resolution taken on the following day, to hold the next but one Session on the Thursday after the first Sunday in Lent, 3 March 1547.

The memorable *Sessio* VI of 13 January 1547 opened with a minor incident. When the prelates, fifty-nine in number, hence as many as had been present at *Sessio* V, entered the cathedral, the three envoys of the King of France were seen to be missing. The legates accordingly instructed the conciliar commissary, Giacomelli, to summon them. He returned with a message which it was not easy to interpret. Since the Emperor was not represented, they said, they too would not be

Rome to delay publication of the decree *see* Farnese’s instructions of 7 January, *ibid.*, p. 783, l. 10. The courier bearing the directions of 7 and 8 January arrived at Trent on the 11th, VOL. I, p. 600, l. 36.

present at the Session, unless Cardinal Pacheco gave a written declaration that he was also acting as representative of his sovereign. The cardinal declined the suggestion and the French envoys accordingly stayed away from the Session.

Were the envoys actually more imperialistic than the Emperor himself? By no means. France had let it be known both in Rome and at Trent that she had no objection to the publication of the decree on justification. On that score there was no reason why the envoys should boycott the Session. But, as the legates rightly suspected, it was not out of regard for the Emperor, but consideration for France's friends in Germany and beyond the Channel, that is, the confederates of Schmalkalden and Henry VIII, that caused them to regard attendance at the Session as inadvisable.¹

The Mass of the Holy Ghost was sung by the Archbishop of Spalato, Andrea Cornaro, a scion of one of the many branches of the noble Venetian family of that name. The sermon had been entrusted to the Dominican Tommaso Stella, Bishop of Salpi near Trani, in Southern Italy, who had distinguished himself as an able controversialist and a zealous reformer of the convents of his Order in Upper Italy. On this great occasion he lived up to his reputation. With much ingenuity he linked up the mystery of the Epiphany, whose octave day it was, with the dogma of justification which had been authoritatively formulated by the Council. The gift of charity which God bestows upon the soul that thirsts for it, contains within itself power over sin, the world, the devil and human self-will; wisdom also in the discernment of spirits and that goodness through which faith comes to life in good

¹ The acts of *Sessio VI* of 13 January 1547, with the sermon of the Bishop of Salpi in *C.T.*, VOL. V, pp. 790-820; the incident with the French envoys according to Severoli, *C.T.*, VOL. I, p. 122, l. 2, confirmed by the legates' report, VOL. X, p. 788, l. 22. Proofs of France's assent to the publication of the decree on justification, *ibid.*, pp. 716, l. 1; 719, l. 34; 765, l. 19. As Ehes observed, VOL. V, p. 1069, the celebrant of the Mass of the Holy Ghost, Andrea Cornaro, is mistaken for his nephew Marco even in the second edition of Eubel's *Hierarchia Catholica*, VOL. III, p. 302. Andrea had resigned the archbishopric of Spalato in favour of his nephew as early as 1537 while retaining, according to custom, the title. Andrea Cornaro, Bishop of Brescia (Eubel, VOL. III², p. 29) and a cardinal in 1544, was also a nephew of this elder Andrea. The Bishop of Fano also attached great significance to the surprising unanimity of the vote—in view of all that had gone before: “senza niuna contraditione”, (*C.T.*, VOL. X, p. 789, l. 25). Abbot Luciano, who as late as 3 January wrote as follows to the Duke of Ferrara in connection with the decree: “Sono certo che col tempo si ne pentiranno”, *ibid.*, p. 776, n. 1, gave his *placet*. Del Monte's declaration about the general excuse of the German bishops is more accurately recorded in the legates' report, *ibid.*, p. 787, l. 13, than in the acts, VOL. V, p. 810, l. 47. Surprisingly enough Pratanus takes no notice of it at all, VOL. II, p. 391, whereas Madruzzo reported on it to the Emperor, VOL. XI, p. 91.

works, that is, the three divine qualities which, as interpreted by the liturgy, are symbolised by the Magi's offering of gold, frankincense and myrrh. Let the bishops imitate the Magi and point out to their flocks the way to Christ by showing forth in their own lives the doctrine of grace and justification. Let them not be content with merely marking the road to Bethlehem, like so many motionless milestones (*fixi lapides*). The threefold theophany honoured in the liturgy for the feast of the Epiphany—the coming of the Magi, Christ's baptism in Jordan, the miracle of Cana—provided the preacher with a text for an exhortation which obviously links up with the Bishop of San Marco's exhortation to penance in his sermon in *Sessio* II. The bishops must seek salvation by a faithful discharge of their duties, so as to make it impossible for anyone to apply to them what was said of the Pharisees: "What they say, do ye, but according to their works do ye not" (Matt. xxiii, 3), or to reproach them for behaving like Herod's scribes who were able to tell where the Messiah was born, but who neither sought nor found him.

Stella's sermon was splendidly delivered; but it was no mere rhetorical declamation; on the contrary, it was an exhortation instinct with genuine and profound earnestness. In one place only, in a few pungent words against the *sola fide* doctrine, did the orator remind his audience of the fact that the Council was about to issue an authoritative dogmatic decision concerning the great controversy of man's justification in the sight of God.

The president distinguished this Session from all the previous ones by addressing a short allocution to the assembly, as he had done at the opening Session. Referring to the feast of the Epiphany, as the preacher had done, he described the decree on justification as the victory of light over darkness: he urged the prelates to be strong in faith, hope and charity and to prove themselves the salt of the earth and the light of the world.

The Archbishop of Spalato then read the decree on justification. The two legates did not content themselves with a simple *placet*, but added the words: "We accept and embrace with great reverence this holy, Catholic doctrine of justification." Almost all the bishops followed their example. One member of the opposition, the Bishop of Castellamare, had suggested at the conclusion of the last general congregation, that the votes should not be given in writing but by word of mouth, so as to strengthen the impression of unanimity. However, seven papers were handed in at the voting, but only two, those of the Bishops of Sinigaglia and Bosa, contained some slight reservations,

particularly in respect of the doctrine of the certitude of grace. Four others, those of the Bishops of Sebenico, Lanciano, Calahorra and Badajoz, were concerned with the title of the Council. The Bishop of Badajoz justified his demand for the formula *universalem ecclesiam repraesentans* to be placed at the head of the decree by the promise made by the legates during the debate that this title would be reserved for decrees of particular importance. Now, if ever, this condition was fulfilled.

The legates exaggerated nothing when they reported to Rome that the decree had been unanimously accepted (*nemine discrepante*). "This fact", they added with justifiable pride, "was regarded as wonderful not only by outsiders, but by the prelates themselves. His Holiness and the Sacred College have good reason to thank God for this happy issue; not for many centuries has so weighty a doctrinal decision been taken by a council." The opposition, fully conscious of the solemnity and the greatness of the hour, had laid aside every political hesitation and approved the decree without a single exception, thus assuring a unanimous decision.

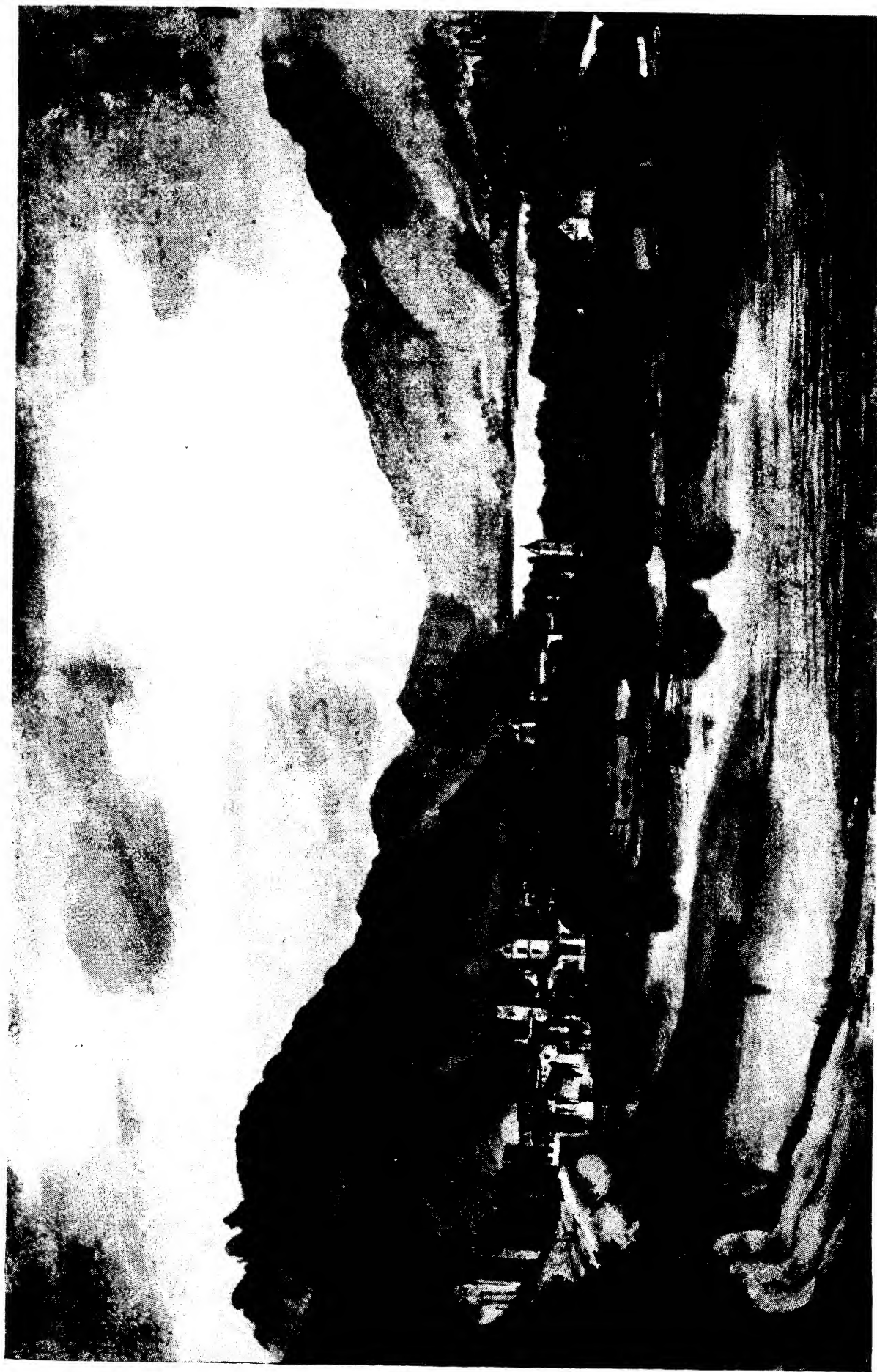
The Tridentine decree on justification is the Church's authoritative answer to the teaching of Luther and the *Confessio Augustana* on grace and justification. The reformed doctrines of Zwingli and Calvin were only lightly touched upon in the course of the debate. The Catholic doctrine of justification as defined by the Council was on the one hand, as far removed from Pelagianism, which excludes the supernatural action of God's grace from the process of salvation, as it was on the other from the Protestant doctrine in which man's co-operation vanishes (Rivière). The structure of the decree shows a triple gradation. In the first part (cap. 1-9) it exposes the sinner's incapacity to save himself by his own efforts and the utter gratuitousness of the first justification, for which the sacrament of Baptism is required. On the other hand it affirms the necessity of a preparation on the part of man and the co-operation of his free-will (cap. 5); it then describes (cap. 6) the disposition required, that is faith in revelation, acknowledgment of sin, fear, hope, initial charity and finally "the resolve to receive Baptism and to begin a new life". The demand for a disposition does not savour of semi-pelagianism (Loofs)—it explains the mode of man's co-operation. Cap. 7 lays bare the core of the Catholic doctrine of justification. The remission of sin does not exhaust its virtue; it is also "a sanctification and renewal of the whole man". Its formal cause is "God's justice—not indeed the justice whereby he himself is just, but the justice by which he justifies us", when "the love of God is poured into

the hearts of the justified by the Holy Ghost and becomes their own" (*atque ipsis inhaeret*). The Pauline formula that man is gratuitously saved by faith must be understood as the Catholic Church has always understood it, in the sense, that is, that faith is the beginning of man's salvation, the root and foundation of the whole of justification (cap. 8); we are said to be "justified by grace because none of the things that precede justification, neither faith nor works, merit the grace that justifies". Cap. 9, around which controversy lasted longest, confines itself, in accordance with a twice-repeated decision of the Council, to a condemnation of the Protestant certitude of salvation as a thing that must be believed. It also lays down the principle accepted by both theological schools, that no one may doubt God's mercy, the merits of Christ and the efficacy of the sacraments while on the other hand, no one is in a position to know "with the certitude of faith which cannot be subject to error" that he is in the grace of God.

The second part of the decree (cap. 10-13) treats of the so-called second justification that is, the increase of justifying grace through the fulfilment of God's commandments, which is a duty laid upon us by God and not merely a token of the fact that we are justified. The just man cannot be certain of his predestination to eternal salvation. He remains liable to sin and is bound to work out his salvation in fear and trembling. Perseverance to the end is also a grace.

The third part of the decree (cap. 14-16) declares that justifying grace is forfeited by any grievous sin, not merely by infidelity—but that it can be recovered through the sacrament of Penance. He who perseveres until the end obtains everlasting life both as a grace and as a reward because, joined as he was to Christ, like the branch to the vine, he has fulfilled God's law by his good works performed in a state of grace and has thus merited eternal life. But there is no room for vain boasting by man for even merit is a gift of God. This teaching on merit in the concluding chapter put an end to the controversy about the doctrine of a twofold justice. In this chapter the most important positive notion hammered out in the course of the discussion, namely the union of the justified with Christ as the basis of the meritoriousness of his works, was embodied in the decree. The Council nevertheless refrained from a formal condemnation both of the doctrine of a twofold justice and of its advocates.

The decree on justification is surely not merely "the grandiose, impressive codification of the teaching on grace of the golden age of Scholasticism, handed down as a precious heritage of the Middle Ages,



VIEW OF TRENT
After a painting by Dürer, formerly in the Kunsthalle, Bremen

a doctrine that countered the modern notion of man as the centre of the universe with the traditional conviction which assigns that position to God" (Schierse). It is more than a compromise between the great theological schools: "it is clear and precise" when treating of the essence of justification, "ambiguous and obscure from sheer caution" when dealing with particular details, that is, the divergent opinions of the schools (Loofs). In no sense can it be said that it merely represents "the lowest common multiple of scholastic thought" (Seeberg). It is true that the decree rests on the results of scholastic theology, but it is much more than a summary of its conclusions. Its authors—Cervini and Seripando more than anyone else—were fully conscious that their task was to create a new thing, not merely to copy an existing model. While Catholic controversial theology and the negotiations for reunion provided valuable material for a solution of their problem, it furnished no ready-made formulas for use in the drafting of the conciliar definitions. In the theologians' discussions of the two questions in the month of October, and in the conferences of the bishops-theologians in December, an advance was made beyond the catchwords of controversial theology, impressive though they were, to the very core of the controversy. The length of the conciliar negotiations was not exclusively, or even chiefly, due to the political disturbances which led to an interruption of the debate in August and September; it was equally due to a consciousness of the gravity of the task and a determination to carry it out as perfectly as possible. The Council's aim was to draw a line of demarcation between Catholic dogma and belief and Protestant teaching. This delimitating function of the decree was realised, in the first instance, by means of thirty-three canons which are no mere appendage of the doctrinal chapters. As a matter of fact, the doctrinal chapters explain the canons; they are the positive formulation of the content of the faith which underlies the condemnation of the errors listed in the canons. On the other hand, in accordance with the whole purpose of the Council, the canons are of decisive importance. It is therefore a safe rule for an interpretation of the decree that it must always start from this delimitating function, that is, from the canons. Yet another rule may be inferred from the history of its origin. Since the Council's intention was to draw a line of demarcation between Catholic dogma and Protestant teaching—not to settle controverted opinions in the Catholic schools of theology—it follows that in all doubtful cases previously professed theological opinions may continue to be held.

The severance of the doctrinal chapters from the canons, hence their independence, served in the first instance a practical purpose. They were meant to constitute the norm for the proclamation and exposition of the faith, and so to remove an uncertainty which threatened to affect both preaching and teaching—"to the irreparable injury to the souls of men". The declaration of purpose which from the November draft passed into the *prooemium* of the final decree: "To the honour and glory of Almighty God, for the peace of the Church and the salvation of souls", was explained more than once in this sense both by the legates and by other members of the Council. The oft-repeated declaration on the papal side that the publication of the decree on justification could not be put off, was not a political manoeuvre for the purpose of neutralising the imperial delaying policy; it was, on the contrary, the expression of a genuine conviction. Catholic teachers and preachers needed a clear norm and a firm ground for their struggle with Protestantism. The decree on justification provided both because, unlike the Bull *Exsurge*, it did not restrict itself to the condemnation of definite doctrinal propositions which could be easily understood by a trained theologian, but not by a simple preacher or catechist, but rather gave a positive explanation of the Catholic doctrine of justification.

"The decree on justification", Harnack writes, "though an artificial product, is in many respects an excellent piece of work, in fact one may doubt whether the Reformation would have developed if this decree had been issued by the Lateran Council, at the opening of the century, and had really passed into the Church's flesh and blood." To picture the consequences Harnack rightly regards as a futile undertaking, one not worthy of a historian; but neither idle nor futile is his assertion—with which we do not hesitate to associate ourselves—that if the decree delimitates and, as a consequence, separates, it also lays bare foundations that unite.¹

¹ The orientation of the doctrinal chapters of the decree on justification towards the proclamation of the faith is well in evidence. Already in the November draft we read: "ad . . . Ecclesiae tranquillitatem et animarum salutem", *C.T.*, VOL. V, p. 634, l. 24, as well as in the definitive text, *ibid.*, p. 791, l. 42. In the November agreement there was question of the "Danno che ne fussero per patire l'anime de molti" if publication were delayed, VOL. X, p. 727, l. 15. The Bishop of Fano, *ibid.*, p. 762, n. 4, indicates the purpose of the decree: "Se non soccorrera alli perduti, soccorrera almeno a quegli che sono per perdersi". On 20 December the legates issued a warning that any delay in the publication would entail "danno irreparabile delle anime", *ibid.*, p. 763, l. 1, and on 29 December Del Monte quotes the Lenten sermons which were to begin soon and which frequently led to controversies and mutual accusations as a motive for the urgency of the decree, VOL. I, p. 111, l. 8. On 17 December Cardinal Pacheco based his demand for a decision in the controversy of the certitude of grace on the circumstance that otherwise

If the Council's unanimity on the decree on justification was indeed an impressive spectacle, its lack of agreement on the second decree of *Sessio VI*—the duty of residence of the Bishops—was disconcerting. Less than one-half of those entitled to a vote—twenty-eight in all, and most of them close adherents of the legates—accepted it unconditionally while the majority made reservations, so that the president felt unable to declare that it could be considered as accepted: acceptance or rejection had to be left to a future general congregation. The antecedents and the ensuing fate of this decree will occupy us in the next chapter.

On the other hand the date of the next Session, 3 March, met with unanimous assent. Finally the promoter of the Council, Severoli, proposed that proceedings should be taken against prelates absent without leave. Del Monte named the Archbishop of Aix and the Bishops of Astorga and Albenga as members of a tribunal to be constituted for that purpose. The majority, however, and not only the imperialists, were anxious to excuse the German bishops generally and to except them from these proceedings. As a jurist Del Monte saw at once the legal objections to such a general exemption. His line of thought is explained in the legates' report of 13 January. "A general excuse of the German bishops", he wrote, "could endanger the legality of the decree, for on the ground of this exception someone might present himself at the Council and demand the withdrawal of the decree on justification, on the plea that he had not been heard, while his genuine inability to be present had been duly recognised by the Council." In order to preclude the possibility of an attack of this kind on the decree the president made this declaration as soon as the voting was over: "We do not concede that anyone is legitimately excused if his reasons for non-attendance have not been examined in accordance with the prescriptions of the law and approved by the proper judges." The intervention of the legates, inspired as it was by their conception of the situation, prevented the passing of a conciliar decision in favour of Severoli's proposal. Four hours after the opening, towards one o'clock in the afternoon (the twentieth hour according to Italian reckoning), the Session ended with the chanting of the *Te Deum*.

the preachers would go on proclaiming the certitude of salvation and declaring good works superfluous. Harnack's verdict on the decree of justification in his *Dogmengeschichte*, VOL. III⁵ (Tübingen 1932), p. 711; R. Seeberg, *Lehrbuch der Dogmengeschichte*, VOL. IV/2 (Erlangen-Leipzig 1920), p. 781; F. Loofs, *Leitfaden zum Studium der Dogmengeschichte* (Halle 1906), pp. 667 f.; *D.Th.G.*, VOL. VIII, PT II (1925), pp. 2164-92 (an excellent commentary on the decree by J. Rivière); A. Michel, *Les decrets du Concile de Trente* (Paris 1938), pp. 65-162.

When the dogma of papal infallibility was defined on 18 July 1870, neither the outbreak of the Franco-German war, nor the occupation of Rome by the Italian troops on 20 September, was able to prevent the world-wide effect of that dogmatic definition. Reaction to the publication of the Tridentine decree on justification was surprisingly feeble and by no means uniform. More than two months after the event that veteran German controversial divine, Johann Cochlaeus, wrote to Cardinal Cervini that when he read the text of "this eagerly longed-for decision" he felt relieved of a certain amount of anxiety caused by two drafts which had come to his knowledge some time before. His fear was lest, influenced by certain highly placed persons (he was probably thinking of Pole), the Council should go too far in a desire to meet the Protestants. But now he realised that the Holy Spirit had been at work and had kept the faith intact.¹ In Rome the decree met with "general approval" as regards its contents but the natural satisfaction that at last clarity and certainty had been arrived at in respect of one of the most important controversial doctrines was tempered by the anxious question whether in this way the last though ever so faint hope of an understanding with the Protestants had not been quenched. No less than four members of the cardinals' commission for the Council, namely Pole, Crescenzo, Morone and Cortese had opposed publication as late as the first days of January. The Pope had overridden their objections and put no obstacles to the promulgation. Up to the last moment the imperial ambassador, Juan de Vega, had refused to believe it possible and had informed the Emperor accordingly. Both he and

¹ On the reception of the decree on justification in France see Dandino's reports, *C.T.*, VOL. X, pp. 812, *n.* 2; 830, l. 9; 831, l. 15. For reception in Germany: Cochlaeus to Cervini on 29 March 1547: *Z.K.G.*, XVIII (1897), p. 620; Maffeo wrote from Rome, on 23 January: "È approvato universalmente da tutti", *C.T.*, VOL. X, p. 801, l. 22. The report of the agent of Ferrara, Ruggieri, dated 5 February, on the dissension within the conciliar deputation, *N.B.I.*, VOL. IX, p. 455, *n.* 1, is confirmed by a letter of Bianchetti to Giovanni della Casa, dated 15 January and written at a time when he was still unaware that the Session had taken place. According to him the Pope's decision "che si risolva questo articulo della giustificatione" had given rise to misgivings in the Sacred College: "Pare a molti etiam di questi R^ml che levi l'occasione di possere mai piu riddurre li Lutherani, li quali resteranno nella perfidia loro et diranno che non hanno consentito ne addutte le ragione loro." A little later he goes on: "Certo se si potesse fare una suspensione cosi dell'articulo come del Concilio ad quietiora tempora saria forse meglio, et questo era il parere di molti di questi R^ml. Ma, N.S. l'ha voluta cosi." *Bibl. Ricci* 5, fol. 221, *or.* On the opposition of the imperial party in Rome, *N.B.I.*, VOL. IX, pp. 423 f.; *C.T.*, VOL. XI, pp. 88, 91 f., in which Juan de Vega reports on 13 January a move taken by Marquina. The reaction at the imperial court: the letter of 12 February in which the Emperor blames his agents at Trent, reproduced by G. Buschbell in *H.J.*, LII (1932), p. 376; Verallio's report on his audience of 2 February 1547, *N.B.I.*, VOL. IX, pp. 442-51.

the imperial cardinals felt so hardly done by that they went the length of threatening a German National Council, but the threat failed to make the hoped-for impression.

Official information about the Session through the imperial agents—Toledo had not been present—only reached the imperial court on 6 February, but the news had come through long before by another channel. As was to be expected the Emperor took it as a crossing of his plans, but a far heavier blow for him at the moment was the information communicated by Nuncio Verallo, to the effect that the Pope did not intend to prolong his warlike alliance with him and was accordingly withdrawing his auxiliaries.

The Emperor's relations with the Pope had been strained for some time already and for some weeks he had refused to give audience to the nuncio who had also been excluded from any share in the preliminary negotiations with the Estates of South Germany. When on 2 February Verallo complained of this treatment and in compliance with his instructions announced the withdrawal of the papal troops, the Emperor acknowledged the information with the sarcastic remark that he was glad to be rid of such allies. He gave the nuncio to understand that these troops had been an embarrassment rather than a help. But after that he gave vent to his pent-up fury. The Pope's sympathies, he said, were with the French and under French pressure he now denounced the alliance; he had involved him in this war in order to destroy him. He was no "Good Shepherd" and only thought of the exaltation of his family! After this explosion he left the audience chamber to attend Mass. When Verallo subsequently called on Granvella, the latter did his best to attenuate the effect of the Emperor's angry outburst and sought to make excuses for him. However, this much was evident—the marriage of convenience between the monarchs concluded eighteen months earlier and on which their joint action in Germany and at the Council had been based, was about to be dissolved. Four weeks later the translation to Bologna was to complete the process.

As for the Protestant divines in Germany, the alarming turn the war had taken for them overshadowed their interest in the proceedings at the Council. Bucer's concern during these weeks was to comfort and console the Landgrave of Hesse. As late as the end of February Melanchthon had no knowledge of the Session and had to seek information from Veit Dietrich.¹ At last, in the first week of March, he got

¹ Melanchthon to Veit Dietrich on 23 February 1547, *Corp. Ref.*, VOL. VI, pp. 401 f.; in a letter to Buchholzer on the following day Melanchthon still speaks of the "acerrimae

his first information on the decree—not its text but merely a few “articles”, one of which, it was alleged, read as follows: “Let him who is certain of being in a state of grace be anathema!” Only by the end of the month did he get hold of the complete text. “The decree”, he wrote to the Duke of Anhalt, “condemns many doctrines of the pure gospel, though it also includes some true articles. It plainly prescribes that one is always bound to doubt one’s being in a state of grace and affirms that it is possible to observe the law of God. I have decided to publish it together with a refutation. It is very much to be regretted that the Council confirms ancient errors by its authority.” The Emperor’s advance into Saxony and the defeat of the Electors prevented Melanchthon from carrying out his plan for the publication and refutation of the decree.

It is of interest, in view of Melanchthon’s plan, that immediately after the Session the legates also thought of publicising the decree on justification by having it printed, so as to integrate it at once in the body of those truths which it is the Church’s mission to proclaim.

The decrees promulgated in the conciliar Session were not subject to the same law of secrecy as the preliminary drafts and the discussions to which they were subjected. Up to this time no official or semi-official promulgation of them, through the printing press, had been contemplated, were it only because they had not yet received papal approval. However, the legates had not been able to prevent certain enterprising printers from snatching at a chance of making a profit. Thus about the middle of the year 1546 the Paris printer Reginald Calderius published an edition, which teemed with errors, of the decrees of Sessions II-V. He also printed a list of the members, four sermons arbitrarily selected and the speeches of the envoys Francisco de Toledo and Pierre Danès on the occasion of the presentation of their credentials. In a reprint at Antwerp of this faulty Paris edition two further items were added, namely Mendoza’s inaugural address and the King of Portugal’s letter of 29 July 1545 to Paul III.¹

contentiones de doctrina iustificationis”, *ibid.*, p. 403. On 5 March he writes to Duke Henry of Lüneburg: “Synodus Tridentina edidit impium decretum contra doctrinam veram de iustificatione”, *ibid.*, p. 423. However, the letter of 7 March to George Major, *ibid.*, p. 424, shows that Melanchthon was not in possession of the text of the decree; he had only been informed about a few alleged articles, for instance, *Anathema sit qui statuit se esse in gratia*, *ibid.*, p. 427. The undated letter to the Duke of Anhalt, at a time when he had an “exemplum decreti” at hand, *ibid.*, p. 445.

¹ A description of the Paris and Antwerp editions of the decree, with a sample of both texts in St Kuttner, *Decreta septem priorum sessionum Concilii Tridentini sub Paulo III Pont. Max.* (Washington 1945), pp. xxiv f. The earlier descriptions by Le Plat and Calenzio are rendered out of date by this publication.

Even greater alertness was displayed in the Protestant camp. Probably as early as the Spring of 1546, at any rate before the outbreak of the war, the decrees of *Sessio* IV were published in pamphlet form, with a polemical preface and marginal notes of a partly ironical and partly critical nature. After the outbreak of war, another edition, one independent of the Paris text, of all the decrees up to *Sessio* V, as well as of the July draft of the decree on justification, appeared without indication of the place of publication. In this edition the decrees were preceded by an exceedingly spiteful preface and each of them was followed by detailed polemical "observations". The list of members of the Council contained the names of only twenty-six bishops—mis-spelt in part—Melanchthon's epistle in which he rejects the Council, two documents relating to the war of Schmalkalden, the Bull of Indulgences of 15 July 1546, and the brief of 11 July addressed to the Catholic cantons of Switzerland. The whole book was an attack on the Pope, the Emperor and the Council.¹ The most notable item was undoubtedly the July draft. By what means did the Protestants get hold of a document which was only accessible to the relatively small circle of the members of the Council? It is a fact that in the general congregation of 3 December Del Monte took the news that a preliminary draft had been printed at Venice as an excuse to remind the prelates of the duty of secrecy.

In view of these unauthorised publications of conciliar decrees, and even of drafts of decrees, but even more because the circulation of the new decision was greatly to be desired, the legates decided, soon after the Session, to arrange for official publication. They accordingly instructed the Bishop of Salpi, who was about to leave for Venice on private business, to take with him a text ready for printing. At the same time they prayed Rome for an introductory brief, probably one

¹ The editor of the pamphlet: "Zwai Decret des Trientischen Konzili" (Schottenloher, no. 43209) was Martin Bucer. On the *Acta Concilii Tridentini anno MDXLVI celebrati una cum annotationibus piis et lectu dignissimis* (Schottenloher, no. 43208e), I have made use of copies in the library of the German Campo Santo in Rome and at the University Library of Freiburg. The polemical content of the *Annotationes* will be considered later on. A distinction must be made between the printed July draft in the *Acta* and the "due forme del decreto della giustificatione stampate in Alemagna", which Ottaviano Raverta sought in Venice for Cervini (his letter of 3 January, *C.T.*, VOL. v, p. 686, n. 2, complete text in Buschbell, *Reformation und Inquisition*, pp. 244 f.); Cochlaeus also seems to have seen them, *Z.K.G.*, XVIII (1897), p. 620 ("duo exemplaria"). I am equally unable to identify this edition or the Venetian one which Del Monte mentions on 3 December, *C.T.*, VOL. v, p. 686, l. 14. For the rest the decrees in the *Acta* are not falsified, as Buschbell thinks, VOL. x, p. 762, n. 3; in fact the text is better than that of either Paris or Antwerp, and is not dependent on the latter.

authorising the printing, which would be included in the publication.¹ Published in this fashion the decree would provide official guidance for preachers during the approaching season of Lent.

The Pope rejected the plan. An official publication, the legates were informed on 5 February, particularly of the covering brief which they solicited, was subject to such grave misgivings that the uncontrolled and uncontrollable private publications by friends and enemies alike were to be regarded as a lesser evil. The chief motive for this surprising decision remains unspoken but it may be ascertained with considerable probability. It is that in an official printing of the decree, accompanied by a brief, the Pope saw an anticipation of the papal approval. The plan, therefore, was not given effect, but with the legates' approval the nuncio in Venice had an accurate text printed for private circulation. In Paris, where neither the court, nor apparently the university, stinted their praise of the decree, the plan for an official publication was not acted upon, but the fact that such a plan was in existence was enough to justify the Pope's misgivings about the legates' intentions. An official publication of the decree in France, previous to confirmation by the Pope, would have meant that the decrees of the Council were authoritative without papal approval. The decree was printed at Venice but lacked official authorisation. The chief reason for the printing was the desire to integrate the Council's decision on justification immediately in the body of truth which it is the Church's mission to proclaim.

¹ The plan to have the decree on justification printed at Venice is developed in the legates' report of 23 January 1547, *C.T.*, vol. x, p. 799. Cervini's suggestion that the Pope should make it the guiding line for the Lenten preachers, *ibid.*, p. 802, l. 10. Farnese's negative answer on 5 February, *ibid.*, p. 807, l. 8. On the other hand on 22 February the legates write to the nuncio in Venice: "Quanto al decreto della iustificazione, per la ragione che V. S. ci scrive (not preserved), havemo giudicato esser bene ch'ella lasci stampare, purché non si stampi ne in nome suo ne nostro, et se facci diligentia di stamparlo corretto. Et perché si stampi col titolo che conviene, ne mandiamo la forma a V. S., vedendo maxime ch'ognuno erra in numerar le sessioni, essendo quest'ultima passata sesta et non quinta, computando l'apertione per la prima, come noi facciamo, et è ragionevole." Bibl. Ricci 4, fol. 123, or. On 27 March the legates confirm reception of the decree which contained only "pochi lochi scoretti", *ibid.*, fol. 131. They mean undoubtedly this edition: "DECRETUM/DE IUSTIFICATIONE,/ unanimi consensu omnium patrum approbatum et publicatum in sexta publica Sessione/Sacro sancti Oecumenici et generalis concilii Tridentini, die Jovis, Idib. Januarii. Anno Salutis/MDXLVII./VENETIIS, apud Andream Arrivabenum /Ne quis decretum hoc decennium vendat,/Summi Pontificis, Senatusq. Veneti cautum est/privilegiis./12 Bll in 8^o."—D. Giuseppe Alberigo of Bologna, to whom I owe the description, knows of copies in the Bibl. Trivulziana (Milan), signature H, 2823, int. 3, and in the Biblioteca Vaticana, R. I. (Racolta Prima), IV, 2177/17.

The Bishops' Obligation of Residence—The Pivot of Church Reform

No occurrence in the history of the Council of Trent is less readily understood by the twentieth century than the struggle over the duty of residence of bishops and parish priests which began during the first period of the Council and was only finally decided in the third. To us at this day it seems the most obvious thing in the world that a bishop should personally administer his diocese and a parish priest his parish, and discharge their apostolic office by personal exertion. In the Church of the late Middle Ages this notion was by no means taken for granted. It had become an established custom to treat a benefice founded for the support of men charged with ecclesiastical duties as a financial asset and a profitable possession, while the duties connected with it were regarded as separable from the person of the holder and capable of being carried out by a substitute. There was nothing exceptional in a bishop ruling his diocese through a vicar general and having the functions reserved to a consecrated bishop, such as ordinations or the consecration of churches, carried out by an auxiliary, while he himself resided outside the boundaries of the diocese. Similar abuses obtained on the parochial level. The absentee parish priest, having asked for, and obtained, a dispensation from the obligation of residence, would look for a substitute (a vicar) who carried out the pastoral duties in his place, against payment—often inadequate—by his employer. Benefice and duty, *beneficium* and *officium* fell asunder.

The neglect of the duty of residence was closely connected with the accumulation of benefices (*cumulatio beneficiorum*), that is, the union in one hand of several benefices. The practice was expressly forbidden by Canon Law and the duty of residence enjoined ¹ but the exceptions in

¹ The most important and continually quoted directions of Canon Law concerning the accumulation of benefices and the obligation of residence are c. 28 *De multa X de praeb. et dignitatibus* III 5, the same as c. 29 of the fourth Lateran Council; c. 3 *Quia nonnulli X de clericis non residentibus* III 4; the *Extravagans* of John XXII; c. 4 *Execrabilis de praeb. et dign.* III 2; yet the *Liber diurnus* (ed. Th. Sickel, Vienna 1889, p. 79) already contained in Formula 74 the bishop's promise "sine sedis apostolicae ad

favour of highly placed (*sublimes*) or learned (*litterati*) clerics, for which provision was made, had been extended as a result of the Curia's laxity in granting dispensations. Ways and means had also been devised to circumvent the canonical prohibition of the cumulation of benefices so as to give it a semblance of legality, as for instance, by the union (*unio, annexio*) of two benefices, though incompatible in themselves, for the holder's lifetime, or by the incorporation of a benefice in an ecclesiastical body (chapter, university or monastery). The chief beneficiaries of this curial practice were the cardinals. Although bound to reside in the place of the Pope's residence they frequently acquired not only an episcopal see, often at a great distance from Rome, with all its rights (*in titulum*), but likewise the administration of further dioceses which they not infrequently—and after a short time—passed on to their relatives or families by way of resignation, but in such wise as to reserve to themselves either the whole, or part of the revenues, as well as the administration and in the event of a vacancy, the regress. By this means they remained in practical control of the diocese. One example from the period of the Medici Popes will suffice to explain the practice.

Pietro Accolti, a cardinal from 1511 to 1532, held the diocese of Ancona between 1505 and 1515, when he resigned it in favour of his sixteen-year-old nephew Francesco while retaining the revenues and the regress, with the result that in 1523 he was able to pass on the diocese to yet another nephew of the name of Baldovinetti. The same process was repeated in connection with the archbishopric of Ravenna which he

comitatum nullatenus proficisci nec per diversas provincias aut civitates discurrere, quatenus ecclesiam meam videar sine qualibet occasione deserere". *Sessio IX*, c. 7, of the fifth Lateran Council, departing from the ancient law, granted dispensations for the possession of four incompatible benefices.—Cf. J. Luczak, *La résidence des évêques dans la législation canonique avant le concile de Trente* (Paris 1931); more concisely H. E. Feine, *Kirchliche Rechtsgeschichte*, VOL. I² (Weimar 1954), pp. 349 ff. I have also made use of the Würzburg "Habilitationsschrift" (not yet printed) of Th. Freudenberger, *Die Verhandlungen über die Residenzpflicht der Bischöfe während der ersten Periode des Konzils von Trient* (1938), in which the conciliar negotiations are much more fully described than considerations of space have allowed me to do. Besides the example of Cardinal Accolti which I have selected, the third volume of *Hierarchia Catholica* (by Eubel—van Gulik) contains further crushing material on the accumulation of bishoprics by the cardinals, e.g. even Cardinals Antonio Del Monte, Lorenzo Campeggio and others. For the union of bishoprics and curial offices see Hofmann, *Geschichte der kurialen Behörden*, VOL. I, pp. 154 f.; Cerchiari, *S. Romana Rota*, VOL. II, p. 73. In *Orientalia christiana*, x (1944), pp. 103 f., G. Hofmann has pointed out that the neglect of the duty of residence by the Latin bishops of the island of Crete was one of the causes of its falling into the Greek schism. The synod of 1486 established the fact that four bishops of the Latin rite did not reside and accordingly arranged for their replacement.

obtained in 1524 and immediately passed on to his nephew Benedetto. On the same conditions he had previously in 1521 passed on the Spanish bishopric of Cadiz which he had held since 1511. But besides these dioceses Accolti also held, temporarily, between 1511 and 1518, the French diocese of Maillesaiz and between 1518 and 1521 he was administrator of the archdiocese of Arras. There had never been any question of the cardinal taking up residence in any one of these distant dioceses. He retained the administration of Ravenna and Ancona although since 1523 he had been Cardinal-Bishop of Albano, and after that of Palestrina and finally of Sabina.

In addition to dioceses the cardinals of the Renaissance also regularly owned abbeys *in commendam*, canonries and simple benefices, as well as wealthy parishes which they administered through vicars when they did not pass them on to some member of their court. In the latter case the benefices were nothing else than a form of compensation for services rendered. The man who entered the *famiglia* of a cardinal as a chaplain or a secretary was practically certain of obtaining a benefice of this kind, and if he gave satisfaction he could be sure of rising to higher dignities, perhaps even to the episcopate, thanks to the influence of his *padrone*. It was not by any means a rare occurrence for bishops of small dioceses to remain in the court of a cardinal even after their appointment to the episcopate.

Another impediment to residence lay in the bestowal of dioceses on men holding high offices at the Curia. The practice had established itself during the Great Schism when the bishops appointed by the Popes of the Roman obedience were unable to take possession of their dioceses situated within the territories of the Avignon Popes, and for that reason were allowed to retain their offices at the Curia, or take up new ones. At the termination of the Schism a return was made to the old principle that bishoprics and curial offices could not be combined—were incompatible—but from the middle of the fifteenth century the principle had been frequently overridden as the venality of curial offices became accepted.

When Innocent VIII raised the number of papal secretaries from six to twenty-four, there were ten bishops among them. Of the secretaries who entered upon office between 1528 and 1540, one-third were bishops. If a lesser, or a minor curial office, such as that of the *abbreviator* or the *solicitor* of the Chancery did not of necessity require the personal presence of the official in question, the higher offices demanded it imperatively, and accordingly excluded the possibility of

residence in a distant diocese. In his capacity of regent of the Chancery Tommaso Campeggio had to superintend this gigantic department and was accordingly unable to reside in his diocese of Feltre. The same was true of Cicada, the auditor of the Camera, and his diocese of Albenga in Liguria; of Archinto, the Pope's vicar for the diocese of Rome, and his diocese of Saluzzo in Piedmont. On 23 August 1485 Innocent VIII had ordained that the office of a judge of the Rota was to be regarded as vacant when its occupant was raised to the episcopate, but this constitution had never been rigorously carried into effect. The bestowal of bishoprics on men who held high offices at the Curia, together with the close connection of bishops with the courts of cardinals, as described above, resulted in a great number of bishops living in Rome without any real reason. Their number amounted to over eighty when, on 13 December 1540, Paul III exhorted them to comply with their duty of residence.

The ordinary nuncios whom the Popes maintained at the courts of a number of princes were as a rule not titular but ruling bishops, nor were they the only representatives of their order in the diplomatic corps of the sixteenth century. The French kings were always ready to reward their experienced diplomatists with a nomination to a profitable diocese, while they continued to make use of them in the diplomatic service. Other princes copied their example. Even Charles V, who exercised his right of nomination most conscientiously, and who insisted on the duty of residence, not infrequently entrusted high offices of State to bishops. Thus he commissioned Pacheco, Bishop of Mondoñedo since 1532, to reform the royal Chanceries of Valladolid and Granada. The Bishop of Astorga, with whom the reader is by now well acquainted, became President of the Chancery of Granada as late as the year 1548. It was proceedings such as these that Martin Pérez de Ayala had in mind when in his comments on the position and duties of bishops he pointed out that the taking up even of the post of president would be no excuse before the judgment-seat of God for the neglect of the duty of residence.

However, the ultimate cause of this neglect lay with the bishops themselves. It cannot be denied that their administration was often enough rendered extremely difficult by the interference of the secular power and even by that of the officials and the tribunals of the Curia. On the other hand for many of them the *impedimenta residentiae* were a welcome excuse for absenting themselves from their dioceses. Next to Rome, Venice was a favourite resort of bishops both of the mainland and of the Venetian possessions in the Balkans and the Greek islands,

who preferred the life of the stimulating metropolis to the depressing conditions of their dioceses. The ease with which men looked for excuses from the duty of residence, and found them, sufficiently explains why earnest and truly religious men saw that the most effective remedy against this abuse was to be sought in the sphere of conscience. Cardinal Cajetan was the first to maintain in his commentary on the *Summa* of St Thomas (1517) that the episcopal duty of residence rested on a direct divine ordinance so that only the most weighty motives could excuse from it, such as a violent persecution of the Church, the care of the general interests of the whole Church or of the diocese, or certain personal circumstances.¹ However, this attempt in the sphere of conscience failed to make the slightest impression. During the reign of Charles V the dioceses of the Duchy of Milan "were left to themselves for the most part and nearly throughout the whole of that period, like members without a head, ships without pilots" (Chabod). Not once did Cardinal Ippolito d'Este personally visit the archdiocese of Milan which he held from 1520 to 1550.

It was an understood thing among the champions of Catholic reform that the bishops' neglect of the duty of residence and of their pastoral duties, was one of the most grievous abuses that had to be removed; the only question was "by what means?"²

¹ The passage on the *ius divinum* of the duty of residence is in Cajetan's commentary on the 2a 2ae, q. 185, a. 5 of the *Summa theologiae* of St Thomas, ed. Leonina VOL. X (Rome 1899), p. 476. Cajetan obviously adopts the stricter view of the theologians and his opinion was adopted by the Dominican general Francesco Romeo di Castiglione in a tract composed during the Council, *C.T.*, VOL. XII, pp. 737-43, the aim of which was to show "canonistas contradicentes simul cum aliis, quibus durus est hic sermo, valde errare", *ibid.*, p. 738, l. 5. F. Stegmüller, "Die neugefundene Pariser Benefizien-Disputation des Kardinals Hugo von St Cher", *H.Ź.*, LXXII (1952), pp. 176-204, shows that in his disputation against the plurality of benefices held in 1235, the cardinal defends the opinion that the holder of several benefices commits a grave sin. Ludolph of Saxony in his *Vita Christi*, VOL. I, p. 54, also puts the question whether the dispensation "super absentia seu non residentia" also referred to the sins which were bound to be caused by the absence of the shepherds; "bene eis esset", he goes on to say, "si haberent vicarium in tormentis sicut excusando se dicunt habere in beneficiis". The whole passage is printed by L. Pfleger in *H.Ź.*, XXIX (1908), p. 98. The neglect of the duty of residence by the bishops of the territory of Milan is described by F. Chabod, "Per la storia religiosa dello Stato di Milano durante il dominio di Carlo V", *Annuario del R. Istituto Storico italiano per l'età moderna e contemporanea*, 2/3 (1936-7), pp. 31-4.

² From the Council of Basle to that of Trent the demand that the bishops comply with the duty of residence runs through every memorial dealing with reform and every attempt to bring one about. We find it in Domenichi, *Pastor*, VOL. II, p. 188 (Eng. edn., VOL. III, pp. 269 f.), in Nicholas of Cusa, *H.Ź.*, XXXII (1911), pp. 295 f.; Pius II's Reform Bull allows only cardinal-bishops to hold a second bishopric, cf. R. Haubst, "Der Reformentwurf Pius II", *R.Q.*, XLIX (1954), p. 232. The Bull *Supernae dispositionis arbitrio*, published in *Sessio IX* of the fifth Lateran Council, *Bull. Rom.*, VOL. V, pp. 604 ff. (no. 8). Further material in the conciliar tracts: *C.T.*, VOL. XII, p. 71, l. 38

The advocates of a strict line, from Nicholas of Cusa down to the author of the *Consilium de emendanda Ecclesia*, made the following demands: No cardinal and no officer of the Curia may own a diocese; the cardinalate and all curial offices must be declared incompatible with the holding of a bishopric. However, the majority thought these radical measures incapable of execution and looked for milder remedies. Pius II's Reform Bull stipulated that cardinals (with the exception of cardinal-bishops) could only hold one bishopric outside Rome. The fifth Lateran Council forbade the cardinals the possession of more than four benefices and denied them a dispensation for more than two incompatible ones. It failed, however, to enforce a strict observance of episcopal residence and while seeking to circumscribe the evil, sanctioned it at the same time. Under Paul III, Tommaso Campeggio proposed another compromise: bishops in the service of the Pope were to be bound to visit their dioceses at least every three years, while the others were to be firmly sent back to their dioceses. The measure was inadequate, as was Paul III's attempt to render residence attractive by the concession of important privileges to residing bishops. We have seen already (CH. IV) that the Bull drafted at the end of the year 1541, "in favour of the ordinances", met with opposition from the College of Cardinals and was never promulgated. The Council saw itself faced by the same abuses, frequently pitiable ones, the existence of which could not be denied, but which it had been impossible so far to clear out of the way. This much was plain: mere injunctions of the duty of residence would lead nowhere, unless at the same time the deeper causes, above all the accumulation of benefices, and other impediments to residence occasioned both by the secular power and by the Curia were removed, or at least mitigated. But what was even more important was that the new conception of the episcopal office, which was fundamentally the ancient one, should prevail throughout the Church.

The obvious gap between the ideal and the real was ever more acutely felt as the years went by and the reform movement gathered strength, with the result that the problem of residence inevitably came to occupy a central position in the reform programme. The observance of residence by bishops and parish priests appeared to the reformers as an indispensable preliminary of the rehabilitation and strengthening of an orderly pastoral activity, in fact in their eyes the two things were

(Carafa's reform tract of 1532); *ibid.*, pp. 138, l. 6; 139, l. 10 (*Consilium de emendanda ecclesia*); *ibid.*, p. 274, l. 39 (reform tract of 1539-40); although the neglect of residence was less frequent in the German dioceses than elsewhere, Nausea nevertheless mentions it, *ibid.*, p. 398, l. 42.

almost identical. However, it was not until May and June 1546 that they succeeded in getting the problem of residence into the conciliar agenda. There then followed a lengthy pause during which the hopes of the friends of reform were sorely tested. Shortly before *Sessio* VI, Del Monte redeemed his promise to have the problem of residence discussed in due time, but he continued to insist on the principle of a "small solution", which meant that the duty of residence would be strongly urged while the deeper causes of its neglect would not be removed. The compromise to which he finally agreed—the decree on residence of *Sessio* VI—satisfied neither the Hispano-Italian reform group nor the curial party. After the Session the problem was submitted for discussion in its full extent—"the great solution". The reform decree of *Sessio* VII, which was meant to supplement the one passed at the previous Session, was only a beginning of the great renewal of the pastoral ministry which the reformers had in mind—a part-payment of a debt piled up by centuries of neglect and error. The real value of such a beginning—its gold-value—would only become apparent in the enforcement of the laws.

We are now going to follow up this first stage of the great controversy about the central problem of Church reform in all its various phases, from the discussion in the spring of 1546 up to *Sessio* VII.

The first move towards a discussion of the problem of residence was made as early as March 1546 by the Bishop of Astorga, Diego de Alabaz Esquivel, who together with the Bishops of Calahorra and Badajoz proved the most decided and most fearless champions of a thorough reform of the Church, during the whole of the ensuing debates. In the commission appointed for the purpose of drawing up a list of abuses in connection with the use of Holy Scripture, he said: "Preaching must once more become the business of bishops and parish priests since that is the very purpose for which they are appointed. But this is not possible if they do not comply with the duty of residence."¹

¹ The debates on the obligation of residence held in the general congregations of 21 May and 9 and 10 June 1546: The Bishop of Astorga's attack in the *Deputatio de abusibus*, according to Severoli's report of 24 March 1546, *C.T.*, VOL. X, p. 423, l. 23. The general congregation of 21 May, after *C.T.*, VOL. I, pp. 61-4; VOL. V, pp. 152-8; the number twenty-seven is that calculated by Freudenberger; since there were forty-eight prelates present they constituted a majority. The view maintained by Rainer, "Predigtdekret", *Z.K.Th.*, xxxix (1915), p. 502, that only eight Fathers had declared in favour of an immediate debate on the duty of residence is erroneous. The general congregations of 9 and 10 June, after *C.T.*, VOL. I, pp. 70-5; VOL. V, pp. 209-16; there also, p. 213, l. 37, the statement of the Bishop of Lanciano mentioned in the text;

On that occasion the Bishop of Fano had not only stopped the attack, but had succeeded in getting the subject of episcopal residence removed from the commission's report which was laid before the plenary assembly on 5 April, in spite of the fact that the prescriptions laid down in it, to the effect that bishops were bound to preach on all Sundays and holy days, would be stultified if the bishops did not reside in their dioceses. There can be no doubt that the Bishop of Fano's action suited the legates. At this time they may still have entertained a hope that the Pope would anticipate their action by speeding a reform of the Curia and so render a conciliar debate of the complex problem superfluous. The Pope's decision, some time after Easter, to leave in principle the whole complex problem of reform, including the reform of the Curia, in the hands of the Council, did not immediately cause them to change their tactics; they continued to practise great reserve. This was Del Monte's doing, for it was he who set the pace in the questions of Canon Law and Church discipline. But the current in the opposite direction could not be resisted.

While the decree on preaching was being debated the imperial group, supported by such Italian bishops as were keen on a reform, for instance, the Bishops of Sinigaglia and Fiesole, did its utmost to get the duty of residence placed on the agenda. There were so many material grounds for such a step that in the general congregation of 21 May twenty-seven prelates accordingly advocated a widening of the programme. Del Monte found himself compelled to promise that the subject of residence would be submitted for discussion "at the proper time" (*suo loco*). However, unavoidable though it seemed at the time, no widening of the programme occurred. In the general congregation of 28 May the legates succeeded in securing what for them was an urgent need in the programme, namely a debate on original sin, but they realised that the temporising tactics hitherto pursued by them exposed them to the accusation of wishing to delay the debate on residence. Sooner or later this question had to be ventilated. The great debate put the vastness and the complexity of the whole problem in so clear a light that the separation of the duty of residence from the decree on preaching, as well as the postponement of the general debate

that of the Bishop of Sassari, after *C.T.*, VOL. I, p. 71, l. 12; the Bishops of Fano and Vaison on the interference by the secular arm, VOL. I, p. 72, ll. 23 and 46; Nobili and Florimonte, *ibid.*, p. 72, ll. 19 and 33; the legates' reports of 9 and 12 June, VOL. X, pp. 520-3 are supplemented by the letter of the Bishop of Matera to Farnese, 17 June, in which grave accusations are made against the adherents of the *ius divinum* in the curial camp (the Bishops of Bitonto and Fano).

HIER·FRACA STORIVS.



GIROLAMO FRACASTORO

*From a photograph belonging to the Comitato per il IV Centenario
del Concilio di Trento*

until after *Sessio* V, would no longer meet with any serious opposition. This expectation of theirs was fulfilled.

In the general congregations of 9 and 10 June—the first “residence debate” of the Council—the bishops in favour of reform, whatever their particular tendency may have been, did not by any means confine themselves to answering the president’s question about the penalties to be inflicted for the neglect of the duty of residence, on the contrary, all of them spoke with the utmost freedom both about their personal anxiety and about what they felt needed doing. The curialists alone, men like the Bishops of Matera, Feltre and Belcastro, defended the view that it was enough to renew and enforce existing laws on residence—and let the Pope see to their execution! It was obvious that though they were willing to have the most crying abuses corrected, they had no wish for any considerable change in the actual situation. What is surprising is that they were joined by two Spaniards, the Bishops of Badajoz and Huesca. On the other hand, the Bishop of Feltre did not want things to remain as they were. This we gather from his proposal that the cardinals should be required to visit their dioceses at least once every three years. Quite recently too, on 16 April, the Pope had refused a dispensation to Cardinals Bourbon and Este for further accumulations of bishoprics.

On the other hand it is not difficult to see that the curialists’ proposals could not satisfy the reformers who insisted on new and heavier penalties for the neglect of residence as well as independent means for their execution. Pacheco, and in his wake the Archbishop of Aix and the Bishops of Naxos, Rieti, Worcester and Aquino were of opinion that the proper punishment for an absence of six months was the forfeiture of the revenues, while an absence of two years should be punished by deposition. The Bishops of Sinigaglia and Ascoli demanded that an absence of even three months should entail the loss of half the revenues, and if the offence was repeated twice, the penalty was to be deposition. The Bishop of Calahorra went still further: if a bishop was absent, without excuse, for three months, he was to forfeit the income of the whole year; if he repeated the offence he was to be deposed. Opinions were even more divided when it came to the question as to who should be entrusted with the duty of putting these penalties into effect. Pacheco and six other bishops suggested the provincial synod. The Archbishop of Aix and the Bishops of Sassari and Naxos proposed the metropolitan. Lippomani suggested the bishop of a neighbouring see while the Bishop of Astorga proposed the cathedral chapter, or the

administrator of the *fabrica*, that is, of the revenues of the cathedral. All these suggestions started from a conviction that effective control could not be exercised by the distant Curia, but must be committed to an authority residing near at hand. On the other hand each of these proposals was subject to serious objections so that it is not surprising that besides the curialists, prelates like the Bishop of Calahorra and even the Bishop of Fiesole felt that the execution of the decree could not be entrusted to better hands than those of the Pope.

If differences of opinion even on these surface questions cut right across national and other groups, they did so far more drastically in respect of the ultimate problems, the deeper causes of the bishops' failure to obey the law of residence. Cajetan's suggestion to declare the obligation of residence to be a divine ordinance received the support not only of the Spanish Bishops of Astorga, Calahorra, Badajoz and Lanciano, of the English Bishop of Worcester, the Italian Bishops of Sinigaglia and Aquino, but also that of the most outstanding among the legates' adherents, the Bishops of Fano and Bitonto, as well as of Seripando and Bonuccio—all of them men whom no one could suspect of being actuated by episcopalistic motives or a wish to curtail the Pope's dispensing power. Their only common aim was to bring home to each individual bishop the gravity of his responsibility. What they sought to do away with was not the concession of dispensations but the request for them. Nor did they in any wise deny the existence of "impediments", or more correctly of difficulties in the observance of residence, but as Bishop Lippomani, the Archbishop of Armagh and Seripando pointed out, these difficulties were not such as to justify episcopal absenteeism. In the course of the debate some truly shameful facts came to light. The Bishop of Lanciano reported that in his diocese a concubinary had avoided punishment by getting himself named an apostolic protonotary, thereby securing exemption. The Archbishop of Sassari complained that in his diocese the number of exempt clerics exceeded that of those subject to his jurisdiction. How could a bishop do any useful work in such conditions? His prestige and authority were so frequently infringed by the personal intervention, totally unjustified by material facts, of curial offices and tribunals, that it was easy to explain, though not to excuse, his ending by abstaining from any effective action and allowing things to slide. It was poor comfort that the interferences and encroachments of the secular power were no less numerous than those of the Curia. The former, as the Bishop of Fano rightly observed, lay even more heavily on the individual

conscience inasmuch as, unlike the latter, they did not originate from his ecclesiastical superior.

What the June debate made clear was the fact that it was not easy for a bishop, conscious of his responsibility, to meet the demands of his office. On the other hand, if in the face of his difficulties he gave up the struggle and left his diocese, he became guilty of an even more grievous betrayal of the duties of his office. How was he to extricate himself from such a dilemma?

Two prelates supplied an answer that went to the root of the matter. For De' Nobili it was the restoration of the authority of the bishops. This was the real purpose of the Council and for this it provided an opportunity such as would not recur in a hundred years. This was the episcopalistic solution which De' Nobili thought would eventually meet with the Pope's approval. The other solution was proposed by Galeazzo Florimonte, Bishop of Aquino: an improvement would only be achieved when the Curia radically altered its policy and abandoned altogether the practice of bestowing bishoprics and other pastoral benefices on unsuitable and unworthy persons for the sole purpose of making provision for them. This would lead to a renewal of the Papacy.

At the conclusion of the general congregation of 10 June, Del Monte felt it was his duty to defend the Popes against the accusation that they had systematically curtailed the prerogatives of the bishops. He emphatically rejected the proclamation of the *ius divinum*, since its aim was the control of the Pope. As for the cardinals, the Pope would himself take appropriate measures. Did Del Monte seriously believe in his ability to postpone the discussion of these questions to a future occasion, now that they had been broached? If so, the legates were faced with a hard struggle. This much at least had become evident: the discussion of the problem of residence had released an avalanche of demands for further reforms—and this was just what the legates had wanted to show. At the conclusion of the congregation Cervini saw with satisfaction that the postponement of the debate on residence until after *Sessio V* commanded a clear majority (28 votes against 18) which included even the Spaniards, the Bishops of Badajoz, Capaccio and Castellamare. To them a postponement of the debate seemed preferable to the abandonment of a discussion of the impediments. Pacheco, however, maintained his demand for new legislation on the duty of residence to be passed jointly with the decree on preaching while professing his readiness to leave the removal of the impediments to the Pope.

Why did not the legates seize this opportunity for solving the problem of residence by an exclusively prohibitory decree, in accordance with their own wishes? Their chief motive in not doing so must have been their anxiety to complete the decree on original sin so as to enable them to hold the Session on the appointed date. They were also actuated by another consideration of a decisive nature. If they were to propose now, in great haste, a decree on residence, the proclamation of the *ius divinum* would scarcely be avoidable: a majority in its favour was practically assured. They accordingly deemed it more expedient, or at least the lesser of two evils, to put up with a debate on the impediments at a future date since such a discussion was inescapable in the long run. On 12 June they requested the Pope to have the whole complex problem examined by the commission of cardinals for the affairs of the Council and to get them to work out directions for their own conduct. Soon after the Session, on 21 June, they requested the bishops to draw up and hand in a list of all the external hindrances to their activity with which they had to contend in their respective dioceses; that is, the *impedimenta*. With the help of these memorials they hoped to obtain, even before the opening of the actual debate, a general idea of the reforms desired by the bishops as well as to gain time to adjust their tactics to those of Rome. On the other hand they rejected the proposal repeatedly made (on 21 June by Pacheco, on 30 June by the Bishops of Sassari and Sinigaglia) for the formation of a commission for the preparation of a decree on residence, for they were anxious to have a free hand in this matter as well as in the fixing of the time-table. At this time they did not yet know how their plan for grappling with the problem of residence would be viewed in Rome. In point of fact Farnese's instructions of 30 June contained the information that the cardinals of the conciliar commission would not hear of a discussion of the *ius divinum* and of the inclusion of the cardinals in the decree.

In the last days of June the first memorials on the *impedimenta* came into the legates' hands,¹ though it needed fresh exhortations on the part

¹ Cervini's invitation to the members of the Council for lists of the *impedimenta residentiae*, C.T., VOL. I, p. 82, l. 28; VOL. V, p. 257, l. 14. Pacheco's proposal for a commission, VOL. I, p. 81, l. 15, is not mentioned in the protocol, VOL. V, p. 257. The disapproval by the Roman commission of the inclusion of the *ius divinum* and the reform of the cardinals, VOL. X, p. 544, l. 43. The two summaries despatched to Rome on 8 July, VOL. V, pp. 839-44, and VOL. X, p. 554, l. 29, arrived at Frascati on 14 July, *ibid.*, p. 560, n. 3. The session of the committee took place on the 18th, *ibid.*, p. 566, l. 28. Although Santa Fiora spoke of the answers being got ready as early as the 21st, *ibid.*, p. 570, l. 26, they were only despatched on the 24th, *ibid.*, p. 576, l. 15. Repeated

of the president as well as soothing assurances to set the pens agoing. The fact was that a number of prelates were afraid that the memorials and the names of their authors would be forwarded to Rome, where they would call forth displeasure if they spoke their minds freely. Del Monte accordingly assured them of his discretion. He also agreed to several prelates uniting their efforts to produce a joint memorial. This concession started a more generous flow of such documents. On 8 July the legates forwarded to Rome two summaries of the chief contents of the memorials that had been sent in so far, one dealing with the impediments created by the Curia and the other with those caused by the secular power. On a third sheet they set down the concessions which, in their opinion, the Pope could, and indeed should, grant to the bishops. On 15 July they forwarded to Rome a supplementary memorial drawn up by the three Spanish Bishops of Badajoz, Astorga and Huesca.

It is matter for regret that only a fraction of this extensive documentary material for Church reform should have come down to us, namely six complete memorials, the legates' two summaries and a list of "complaints" of Spanish bishops. On the other hand the proposals of the legates and the "answers" of the Roman commission to be mentioned presently, have not been preserved, but what remains is sufficient to enable us to form an idea of the reforms desired at that time by the members of the Council. The impediments by which their ministry was hampered, they stated, came from two directions, the secular power on one side and the Curia on the other.

The impediments occasioned by the secular power, on which De' Nobili of Lucca and the humanist Girolamo Vida, Bishop of Alba, expatiated in particular, would require a detailed explanation on account of their close connection with the ecclesiastico-political systems of individual States. But as they were never seriously debated at the

requests for speed by the legates, *ibid.*, pp. 564, l. 30; 569, l. 18. Only six memorials have been preserved in the original text, VOL. XII, pp. 578-97 (nos. 84-9); no. 90 serves another purpose and no. 91 is a summary based on the Bishop of Calahorra's memorial and some other Spanish *gravamina* (art. 18-22); in any case these *gravamina* are not identical with the *notula* of the Bishops of Astorga, Badajoz and Huesca mentioned in VOL. X, p. 565, l. 9. That more than six memorials were handed in and were used in the summaries appears from the fact that several articles contained in them are missing in the copies before us, e.g. C.T., VOL. V, pp. 840, l. 42; 841, l. 10; 842, l. 36. It was perhaps at this time that another undated memorial was composed. It treats "de algunas cosas que al presente conviene remediar sobre las vexaciones de Roma" (Madrid, Bibl. Nacional, 9151, fol. 32^v); which states that a certain Labrador de Algete had applied for and obtained in one application ten benefices, seven of which had the cure of souls attached to them.

Council we may content ourselves with registering their tenor. They are in part the old complaints of the disregard of the canonical privileges of clerics, namely exemption from taxation and the jurisdiction of secular tribunals, and in part protests against the tendency of feudal lords and the modern State to restrict the jurisdiction of bishops to within the narrowest boundaries of the spiritual sphere and to influence appointments and the administration of Church property. The parliament of Turin, De' Nobili complained, meddled with matrimonial questions and the bestowal of benefices; did not differentiate between ecclesiastical and secular property; prevented the laity in disputes over the tenth or the revenues of benefices, from seeking redress in an ecclesiastical judge's court, or from spontaneously submitting to its jurisdiction. Laymen arrogated to themselves the right of disposing of benefices. When a bishop sought an audience with a secular magnate, the latter's counsellors did their best to prevent his being admitted into his presence. The bishop considered himself lucky if they listened to his request and did not compel him to wait with the crowd in the antechamber. Vida, whose diocese was situated in Lombardy, does not go into as many details as De' Nobili, but he too complains of the curtailment of episcopal jurisdiction, the reckless taxation of Church property and even of interference in the spiritual sphere by the conveyance of benefices. With a view to putting an end to such a situation the Council should add to the canons about to be drawn up a request to the Emperor and all the other princes to respect the prerogatives of the Church. *A request*—for Vida evidently felt that it would be useless to make a formal demand. The Spanish and French bishops either kept a dead silence on the subject of Erastianism, or only touched upon it superficially. It is easy to feel the extent to which the Church had been forced into a defensive attitude.

In the memorials that have come down to us the impediments due to the Curia occupy far more space than those originating from the secular power. Lest we lose our way in this wilderness we select three memorials of different origin, namely an Italian, a French and a Spanish. The Bishop of Alba, Girolamo Vida, who has already been mentioned, confines himself to four points: (1) "Almost all clerics, both secular and regular, are withdrawn from the bishop's jurisdiction through the privilege of exemption; (2) the bishop is excluded from legal cases tried by the Curia; these cases are passed on to delegated judges, the nominees, very often, of one of the parties, with the result that offenders are seldom punished, or not at all, while the bishop, anxious to avoid

unpleasantness, remains passive; (3) appointments to important pastoral benefices are made by the Curia so that the bishop is in no position to choose for his collaborators the men whom he considers to be the most suitable; (4) the bishop's revenues, slender as they are, are further diminished by papal imposts." For the removal of these abuses Vida looks not to the Council but to the Pope; from him he expects action to this effect, for the sake of the well-being of the Christian people.

Guillaume du Prat, Bishop of Clermont, speaks in unsparing, but reasonable and plain terms. He too assigns first place to exemptions. It is difficult to estimate how much lawlessness, unpunished sin and scandal of the faithful arises from the exemption of cathedral chapters. When subordinates of a bishop render themselves liable to punishment they seek admission to the household of an exempt canon and in this way find asylum. Truly alarming are the abuses in the pastoral ministry, all of which can be traced back to dispensations that enable a man to hold incompatible benefices, and dispensations from the obligation of residence. In the diocese of Clermont, which counts over eight hundred parishes, scarcely sixty parish priests perform their ministry in person—the rest do so through substitutes. In the case of incorporated parishes the substitutes employed by chapters and monasteries, which frequently derive from them as much as a hundred florins by way of revenues, receive a salary of no more than ten or twelve florins so that their personal poverty prevents them even from defending themselves against so great an injustice. By simply resigning benefices of which he is the holder, an official at the Curia is in a position to pass them on—even parishes—to his relatives, often enough mere children, or to some other, utterly unsuitable persons, without any previous examination as to their fitness for the cure of souls. The examination of candidates for ordination is circumvented by the expedient that though they have been rejected by the bishop they get a dispensation from the Curia authorising them to have themselves ordained "by any bishop of their own choice" (*a quocumque*). All the evils here enumerated have their roots in Rome; they are: exemptions, dispensations for holding incompatible benefices, having oneself ordained *a quocumque*, the numerous incorporations and the resignations by members of the Curia.

The best informed and the most carefully thought out of all the memorials that have been preserved is undoubtedly that of the Bishop of Calahorra, Juan Bernal Díaz de Luco, who had only recently

become a bishop (1545) but who, as Vicar General of Salamanca and official of Toledo, had gathered sufficient experience to enable him not only to point out and lament abuses, but on the basis of Canon Law and ecclesiastical custom, to indicate practical ways towards a reform, a number of which the Council actually entered upon at a later period. By order of the Archbishop of Toledo he had drawn up, in 1539, a pastoral instruction for parish priests ("aviso de curas"), and at Trent he had been busy collecting biographies of saintly bishops. A few years later, in the preface to his great collection of "Lives of Saints" (1551), Lippomani, his colleague in those days, described him "as a shining example for the bishops of our time". Such was also the legates' opinion of him even then.¹ He was therefore well entitled to be heard. At the head of his list he puts significantly enough the reform of the right of conferring Holy Orders. The ordination of unsuitable and unworthy candidates can only be stopped by the revocation of the faculty granted to titular bishops and nuncios to confer Orders without the concurrence of the respective ordinary. Similar faculties granted to chapters *sede vacante* must also be revoked. Not new but peculiarly Spanish is the fight against the exemptions of cathedral chapters which enables them "to scorn bishops and to live licentiously, to the scandal of the people". (Soon afterwards, in September 1546, the Bishop of Calahorra sought to obtain from Rome the revocation of the exemption of two collegiate churches.) The bishop must, on principle, have the right of personally choosing the shepherds of the souls entrusted to his care and to reject such candidates presented by patrons as in his opinion do not come up to requirements. The best way to this end would be the introduction of an examination of parish priests. Bishop Díaz is aware of the fact that the adverse financial situation of the pastoral clergy was responsible for many of the abuses, hence the priests' material position must be improved. In the administration of the sacraments the rights of the parish priests must be restored. In punitive proceedings against clerics the bishop's court must always be the first instance which may not be passed by; the Penitenzieria must not be allowed any jurisdiction *pro foro externo*

¹ The Bishop of Calahorra's memorial, *C.T.*, VOL. XII, pp. 590-4; on the author see Gutiérrez, *Españoles*, pp. 586-607; the legates' favourable opinion of him, *C.T.*, VOL. X, p. 641, l. 8. I was unable to see T. Marín Martínez' dissertation, "El doctor J. B. Díaz Luco, obispo de Calahorra" (*Comillas*, 1946); the catalogue of Calahorra's library is most revealing about his scientific and literary tastes, cf. T. Marín Martínez, "La biblioteca del obispo J. B. Díaz de Luco", *Hispania Sacra*, v (1952), pp. 263-326; VII (1954), pp. 47-84; *id.*, "El obispo J. B. Díaz de Luco y su actuación en Trento", *ibid.*, pp. 259-325.

and the proceedings at the Rota should be improved and their cost reduced. In every line of this memorial we hear the learned canonist and the experienced bishop who is not concerned to whip up anti-curial feeling by recounting outrageous cases, but rather to submit precise proposals for a reform.

The ideal which the Bishop of Calahorra had before his eyes also forms the background of the legates' summary, namely the bishop as the shepherd of the faithful entrusted to his care and the bearer of responsibility for the cure of souls within the boundaries of his diocese. The legates' demand that in future only he shall be made a bishop who is able "adequately, and on the spot, to feed the flock entrusted to him, both by word and example"; if he accepts a second diocese, that diocese must be regarded as "widowed" from the beginning. The bishop must have for his collaborators such priests as are suitable for the cure of souls, hence ordinations and the appointment to benefices with the cure of souls attached to them must be subject to his control, and this control may not be rendered illusory by papal dispensations for incompatible benefices and from the duty of residence, by the exemption of entire corporations or that of particular persons. The bishops must have the right to correct or punish whenever the interests of the pastoral ministry require his intervention. The right of appeal to Rome must not be extended to trifling matters or become the means of delaying judgment and enabling the guilty to escape punishment. The Pope must protect the authority of the bishops and not suffer it to be injured by citations before the auditor of the Camera for trivial matters. Their poverty, which is often crushing, must not be aggravated by further financial imposts lest they become objects of contempt and the butt of ridicule.

As a matter of fact the dangers of poverty for the bishops, and even more so for the pastoral clergy, were not less than the dangers of wealth for the cardinals and the owners of richly endowed bishoprics and abbeys, nor were they to be done away with by a simple stroke of the pen, as was apparently the Curia's line of action in connection with benefices and dispensations. In reality strong financial interests were involved and above all there was the determination not to give up any primatial rights. We are not acquainted with the answers of the Roman commission, but there is good reason to suspect that the concessions made to the bishops were slender enough and fell far short of what they asked for. If the legates postponed the opening of the debate on residence all through the summer and autumn of 1546, their

policy was inspired by the fact that they clearly understood that it would be extremely difficult to arrive at a compromise. They would have been relieved of anxiety on that score if the plan for a translation, and still more if the later plan for a suspension, had succeeded. When these schemes faded away they saw themselves compelled to take the risk.

The opposition's demand that the problem of residence should be tackled at an early date, in fact in the course of the debate on justification, had never completely abated. He had no wish to shame anyone, the Bishop of Capaccio observed on 10 November, but from a motive of piety he would remind the Council that the reform must not be forgotten. On 17 November the Bishop of Sinigaglia declared that "a real reform will only come about when the bishops reform themselves from head to foot". What the friends of reform sought to attain by means of a debate on residence was an episcopate filled with a new spirit. They were disappointed when on 29 December, hence only a fortnight before the Session, Del Monte placed the question of residence on the programme but, as in June, only with a view to the "small solution", which was limited to the following two questions: what should be the penalties for the neglect of the duty of residence, and secondly, who was to put them into effect?¹ The president sought to soften the painful impression which such a restriction of the proposed discussion was bound to create by describing it as merely provisional; it did not follow that the impediments would not be discussed at a future date. Cervini went a step further and agreed to a general discussion of the problem of the impediments. These, he said, could be arranged in three groups, namely those that lay with the bishops themselves, those due to the secular power, and finally those that originated from the Curia. Those of the first group were a matter of conscience; to remove those of the second group was beyond the Council's competence which had to be satisfied with the threat of penalties, while the removal

¹ Resumption of the debate on residence at the end of December: The Bishop of Capaccio's reminder on 10 November not to forget the reform, *C.T.*, VOL. V, p. 645, l. 23 ("pio animo id dicit, non ut pudenda alicuius discooperiat"); on 18 November the protocol says this of the Bishop of Sinigaglia: "Cupit episcopos reformari a capite ad pedes, et haec erit vera reformatio", *ibid.*, p. 650, l. 15. The restriction of the debate to the two points (measure of the penalty and its execution), VOL. I, p. 111; VOL. V, pp. 743 f. The legates' correspondence with Rome on the Bull of Privileges for residing bishops and the brief granting faculties, VOL. X, pp. 769 ff.; 774, l. 28; 775, l. 18; 778, l. 23; 782, l. 16. Of the documents which were despatched from Rome on 7 and 8 January only the great Bull of Privileges of 31 December 1546, *C.T.*, VOL. IV, pp. 504-12, and the brief conveying faculties, of 6 January 1547, have been preserved, VOL. V, pp. liv f.

of those of the third group lay with the Pope. The latter was prepared to act and the legates on their part would do all that lay in their power. In point of fact, the November agreement with Mendoza held out the prospect of a papal Bull on the subject which would take into account the privileges granted by the Bull of Privileges of 1541. On 28 December Farnese informed them that the Bull was almost ready but that for the moment there was no intention of promulgating it, except in the event of the Council being suspended. Later on, however, the Pope and the commission of cardinals changed their mind and decided to leave the legates free to make use of it as they judged best, hence even if the Council continued its work. Whether this would be advisable was not clear at the moment. With a view to securing a free hand for themselves the legates prayed for a brief authorising them to leave the whole subject to the decision of the Council and finally a second Bull granting to the bishops the right to dispose of reserved benefices in the even months. The legates were anxious to be prepared for whatever might happen: they sought to guard themselves in Rome as they entered upon the debate of the impediments to residence occasioned by the Curia, and they were no less desirous of making a good start at Trent by exhibiting a tangible proof of good-will in the shape of an authoritative Bull granting the bishops a number of privileges.

The Pope acceded to their requests and on 7-8 January sent them by courier no less than three Bulls and two briefs: a Bull in the event of a suspension (this was in point of fact already out of date); a great Reform Bull in favour of the bishops, and a small Bull *dell'alternativa* which the legates had suggested. One of the two briefs authorised the legates to act in accordance with the plan they had submitted, the other was a covering brief relating to the publication of the great Reform Bull. The latter document, dated 31 December 1546 and beginning with the words *Nostrum non solum*, was by far the most important of these items. It met the bishops' wishes to some extent in almost every sphere. Exemptions, in so far as they hindered the pastoral ministry, were restricted and certain dispensations, for instance dispensations for holding two bishoprics and more than three incompatible benefices, as well as certain resignations, were forbidden. The *alternativa* in the conveyance of reserved benefices was also found in the Bull which, as a matter of fact, contained a whole series of important concessions to the bishops. However, on account of many restricting clauses it fell far short of their far-reaching demands.

When the Bull arrived at Trent the discussion of the problem of residence was in full swing.¹ The general congregations of 30 December, and 3 and 4 January left no doubt about the fact that the Council would never be content with the "small solution", about which opinions differed widely. There was no open quarrel between the legates' party and the opposition about the necessity to alter the existing situation, and even if in his heart of hearts any one of the prelates wished things to remain as they were, he would not have dared to express his wish aloud. The dispute started with the question of the vigour with which the Council should proceed, that is, the severity of the penalties and their exaction. The contest grew in violence as soon as the deeper causes of the abuses were touched, that is, the principle of the obligation of residence, the complex problem of the impediments, the accumulation of benefices, especially as practised by the cardinals. It will suffice if we analyse Pacheco's vote.

The duty of residence, the cardinal declared, rests on a divine precept, hence it is an absolute duty of conscience from which there can be no dispensation. He emphatically denied any desire to tie the Pope's hands by means of a conciliar definition of the *ius divinum* of this duty, but there could not be much doubt that his arguments tended in that direction. Though he did not mention them expressly, he managed to make it perfectly clear that the cardinals would also come under the prohibition of the accumulation of bishoprics and that the direct prolongation of the episcopal duty of residence was that of the parish priests, a duty frequently neglected on the plea of the privilege of exemption, or on the ground of a dispensation. As for the penalties for non-compliance, he proposed the following measures: in the first year the penalty would be the forfeiture of the revenues in proportion to the length of the incumbent's absence; in the second year a complete freezing of the revenues; in the third year removal from office. Annual provincial synods were to see to the exaction of these penalties.

¹ For the general debate on the duty of residence, in the general congregations of 30 December, 3 and 4 January, Severoli, *C.T.*, VOL. I, pp. 112-15, is as important as the acts, VOL. V, pp. 745-9, 753-8, and both are clarified by the detailed reports of the legates, VOL. X, pp. 774, l. 8; 780, l. 1. For the passage of the *Consilium de emendanda ecclesia* on the incompatibility of the cardinalate with the holding of a bishopric see VOL. XII, p. 138, l. 8. For the benefice-hunter Serapica cf. Pastor, VOL. IV¹, pp. 364 f. (Eng. edn., VOL. VIII, p. 92, n. 5). From the appalling list of the benefices of Johann Ingenwinckel, in A. Schulte, *Die Fugger in Rome*, VOL. I (Leipzig 1904), pp. 290 f., we learn that in addition to canonicates, the benefice-hunters frequently sought and obtained parish churches, or pensions drawn from the income of these churches. The Bishop of Fano's letter to Farnese, 14 January 1547, on the usefulness of provincial synods, *C.T.*, VOL. X, p. 789 f.

Pacheco was supported by the Bishops of Astorga, Calahorra, Badajoz and Huesca and by their Spanish countrymen of the kingdom of Naples and the islands. These prelates were firmly convinced of the need of strong measures so as to prevent a repetition of an outrageous accumulation of benefices, such as had been practised in the era of the Medici by Serapica, the chamberlain of Leo X and by his accomplice Gibraleone. Balthasar Lympus, Bishop of Porto, touched the crucial point of the problem when he asked: "Will the Council act in real earnest (*re ipsa . . . serio*), or is it merely saving appearances (*verbalem legem facere*)?"

The question was not without justification. An official of the Curia recently arrived at Trent, Cicada, auditor of the Camera, openly confessed that there was but little keenness for residence among the Italian bishops. The language of more than one of his colleagues actually gave the impression that their real wish was that things should remain as they were. Pighino merely referred to existing canons; Saraceni went so far as to advocate a mitigation of the penalties prescribed by the common law, while Archinto, the Vicar General of Rome, was indignant at the question of the impediments to residence having been raised; in his opinion it was a masked attack on the primatial prerogatives of the Pope. Many listeners shook their heads when he read the draft of a decree. Even the Bishop of Fano, though an adherent of the doctrine of the *ius divinum* of the duty of residence, advocated a mitigation of the penalties. He also opposed the notion of bringing in the provincial synods on the ground that in the last few centuries they had frequently been the tools of the State's power-politics against the Popes. However, as he explained in a letter to Cardinal Farnese, by provincial synods he did not mean the synods of the bishops of an ecclesiastical province presided over by the metropolitan, but regional or national synods. These were the only ones he rejected, not the provincial synods as understood by Canon Law, which he described as metropolitan synods.

In view of these sharply defined divergences the legates realised from the first that they must at all costs avoid creating an impression that they were out to defend existing abuses in the interests of the Curia. For them there was only one intangible point—the authority of the Papacy, which must not be subjected to the slightest infringement. However, even Del Monte understood the necessity of going a good way to meet the demands for reform of the prelates from north of the Alps. These principles and considerations formed the basis of his discourse of 4 January in which he defended his proposals. The

definition of the *ius divinum*, he maintained, was no solution, for the Pope's dispensing power could not be curtailed. There was no question of the validity of the dispensations granted by him for good reasons. The reform memorial of 1537 had already insisted on a declaration to the effect that the cardinalate was incompatible with the holding of a bishopric, but the demand had been opposed by a majority of the cardinals and had not been acted upon. Both he and his colleagues were of opinion that the obligation of residence should be formulated in such general terms as to include the cardinals, though they were anxious not to mention them expressly, so as to avoid denigrating them. Del Monte's attitude to the demands of the reform party was therefore identical with the one adopted in his time by Cardinal Guidiccioni towards the *Consilium de emendanda Ecclesia* (cf. VOL. I, pp. 427 f.). He would not hear of radical measures, but we must not on that account suspect him and the curial party of being opposed to every reform. Archinto and Bertano had furnished tangible proofs of their desire for a reform, yet their explanations created an even stronger impression that they defended existing conditions, hence present abuses, than Guidiccioni's attitude in his time, for ten years had elapsed since then without Rome having taken a single drastic measure. In the long run Del Monte could not maintain his point of view—he was bound to meet the Spaniards and to seek a compromise.

The draft of the decree which he laid before the general congregation on 7 January actually was such a compromise.¹ Del Monte adopted

¹ The draft of the decree on the duty of residence submitted on 7 January 1547, whose chief author is surely Del Monte, has not been preserved textually; all we have is Severoli's summary, *C.T.*, VOL. I, p. 116. As regards historical value Severoli's report on the debate in the general congregations of 8, 10 and 12 January, *ibid.*, pp. 116-21, equals that of the acts, VOL. V, pp. 762, 776, 778 ff. The legates' report of 11 January only speaks of the meeting of the bishops-canonists on the same day and the sustained complaint of the Spaniards of the failure to mention the cardinals in the decree, VOL. X, p. 785, l. 2. In Cervini's report of the same date we can sense his anxiety that the decree on residence would not have the same smooth passage as that on justification, *ibid.*, p. 786, l. 15. The draft of 12 January was identical with the definitive decree, VOL. V, pp. 802 ff., but, as appears from the remark of the Bishop of Porto, *ibid.*, p. 806, l. 22, not all the prelates had made copies in good time; it was still the rule at the time that Massarelli himself, with the assistance of his secretary, made and distributed the required number of copies. The appeal to the Fathers by the Bishop of Castellamare mentioned by Pratanus, *C.T.*, VOL. II, pp. 390 f., not to hand in written explanations at the Session, referred to the decree on justification, not to that on residence. It was probably made after the conclusion of the general congregation ("ante discessum"). Del Monte's invitation in the opposite sense, viz. that on the decree of residence they should formulate their objections in writing, is justified by Massarelli by the same argument, and probably with better reason: "ut . . . obvietur scandalis laicorum qui sessioni praesentes erunt", *C.T.*, VOL. I, p. 601, l. 19.

the standpoint of the men of the Curia by renewing in can. 1, in a general way, the ordinances of the *ius commune* concerning residence. The penalties for the neglect of this duty foreseen by him were mild ones: an absentee from his diocese for a period of six months, without adequate reason, is *ipso facto* forbidden to dispose of his revenues, but if the absence extends over a whole year he is also suspended from the exercise of his spiritual functions. In that event the cathedral chapter is under obligation of reporting the matter to the Pope who may inflict further penalties according to circumstances, and if necessary pronounce a sentence of deposition. The remaining three canons were as many concessions to the reform party. The Spaniards' main concern was to secure the right to punish exempt chapters and such religious as lived outside their monasteries. This right was adjudicated to them, though with one important exception, namely if a chapter was able to furnish proof of exemption from its foundation, or from time immemorial. The bishops were likewise empowered to compel those holding benefices with the cure of souls attached to them, to fulfil the duty of residence even if they were able to produce a papal dispensation for an unspecified period, but not if the period was determined. Bishops of other dioceses were forbidden to carry out pontifical functions without leave of the local bishop.

There can be no question but that these three canons went beyond the original programme of the "small solution". By means of these concessions Del Monte hoped to render the first canon acceptable to the reform party. In this he was mistaken.

Even Cervini parted company with his colleague, though only slightly, with regard to this draft when he mentioned certain additions which he judged to be desirable. He complained that the draft contained no directions for the choice of worthy bishops by the Pope and the princes enjoying the right of nomination, nor was there any mention of an administrator of the bishop's mensal revenues after the lapse of the six months' period. The whole procedure was unusual since the draft of the decree was not ascribed to Del Monte but to the legates.

Pacheco's criticism of the draft was merciless and indeed utterly destructive. He tore it to shreds so that there was literally nothing left of it. The penalties were too mild, he said, the cathedral chapter as an executive organ unsuitable. Not one of the real causes of the abuses was done away with, least of all the accumulation of bishoprics by the cardinals. The canon concerning the dispensations granted to parish priests was mere bluff because the Curia never gave a dispensation from

the duty of residence except for a determined period and these were expressly recognised by the canon. The consequence would be that in future absentee parish priests would be able to justify their conduct by an appeal to the authority of the Council! The canon against the exemptions of chapters did not really abolish them, on the contrary, it confirmed them, for every chapter would claim that it had enjoyed exemption either from its foundation or from time immemorial. Pacheco's final verdict on the draft was: "Better no reform than one of this kind!"

Del Monte saw that something must be done if his draft was to escape the fate of the July draft on justification. He rose immediately in its defence. He declared his willingness to listen on the subject of the nature of the penalties and the means of their exaction, but the rest of Pacheco's complaints he declared to be wholly unjustified. In accordance with the well-tested rule that attack is the best defence he pointed to the example of Cardinal Madruzzo as a proof that the union of two dioceses in one hand may quite well be in the interest of the Church. Madruzzo had been permitted to take over the diocese of Brixen in addition to that of Trent so as to make it possible for him to counter effectively the inroads of Lutheranism into the Tyrol. Nor would it be right simply to abrogate the properly acquired rights of chapters and to cut off every possibility of a temporary relief from the duty of residence for the pastoral clergy for the purpose, for instance, of study. His concluding remark was no less pointed than Pacheco's: "The draft", he said, "is an excellent solution in every respect!"

If Pacheco's reply was to be equally sharp, a violent collision between the two cardinals could be expected. However, Pacheco refrained from such a reply, but the sentence with which he ended the duel was so well aimed that even Del Monte, quick at repartee though he was, would not have been able to utter a word, even if he had wished it. "My opinion", Pacheco said, "has always been that the Pope can do more for the reform in one day than the Council can achieve in a whole year." This meant neither more nor less than that the reform of the Church depended ultimately and all the time on the Pope's will to reform: history is there to confirm the truth of this view. The great crisis in the course of the Council in the year 1563 was overcome the moment Pius IV was able to persuade Philip II and Ferdinand I of the earnestness of his will to reform. An internally restored Papacy would not render a reform by the Council superfluous, but it would constitute the surest guarantee of its success. Paul III was not the

man to utter that decisive word. His legates at the Council and their adherents continued their tactics—ultimately defensive tactics—while the opposition were unable to shake off a suspicion that there was no intention of taking drastic measures—a state of mind which was actually driving the Council towards a crisis of confidence.

Del Monte's speech for the defence did not prevent a number of prelates from beyond the Alps, such as the Bishops of Porto and Clermont, as well as a section of the Italians, from siding with Pacheco and the Spaniards. "The decree", the Bishop of Clermont observed, "has a great deal to say about the duty of residence, but fails to remove existing scandals and in the end changes nothing." The Bishop of Sinigaglia declined altogether to express a reasoned opinion on the draft which he regarded not as a decree of reformation but of deformation!

The first line of defence of the draft consisted of bishops who also held high office at the Curia—Tommaso Campeggio, Archinto, Cicada, Pighino, and in addition to them, Bishop Bertano. They nevertheless failed to loosen the close formation of the opposition that confronted them. The latter regarded it as a provocation when, to give one example, Cicada appealed to the fifth Lateran Council to prove the harmlessness of the combination of bishoprics and pastoral benefices with the cardinalate. The Bishop of Calahorra was ready with an answer: "If that Council has really granted a dispensation of such dimensions, then that dispensation must be revoked because of the harm it does to the Church." The two parties faced each other with the utmost determination.

When on 10 January the president terminated the debate, he had come to the conclusion that both the penalties foreseen in the draft and the appointment of the chapters as the means of their exaction were unacceptable to the prelates from beyond the Alps as well as to a section of the Italians, so that alterations could not be avoided. Already in the first debate, Bertano had deprecated the idea of bringing in the provincial synods and Campeggio had repeated the warning, but the majority were inclined to leave the exaction of the penalties to them, hence also the task of seeing to the observance of residence. As a matter of fact, ever since the days of the younger Durandus one of the avowed aims of the reform movement had been the revival of provincial synods. On this point, and in accordance with a previous declaration, Del Monte made no difficulties, but to the demand that the cardinals should be formally included in the decree he offered the most determined opposition. The formulation of the decree, he argued, had been most

carefully devised and was couched in such general terms that the cardinals were undoubtedly included. The opposition's further demand for a definite prohibition of the accumulation of bishoprics and pastoral benefices would receive particular attention at a future date.

So far, therefore, there was no sign of the opposing parties being brought closer together. Yet time was pressing: the Session was due within three days. With a view to assuring the plenary assembly's approval of the new formulation of the decree, Del Monte summoned fifteen canonists from the body of the Council to his residence on the morning of 11 January. The party included Pacheco, the Archbishop of Aix, the Bishops of Astorga, Calahorra and Badajoz, as well as the above-mentioned four officials of the Curia. In collaboration with them Del Monte drew up the new text of the decree (Form II) which went a step further to meet the wishes of the opposition. The introduction included the additional clause suggested by Cervini, to the effect that in future only most worthy persons (*maxime digni*) should be raised to the episcopate. Can. 1 stipulated that a bishop, irrespective of any other dignities or offices, who absented himself from his diocese for a period of six successive months, without a legitimate or otherwise important reason, would *ipso iure* forfeit a fourth part of his revenues in favour of the *fabrica* of the cathedral, or the poor; if the absence lasted another six months he was to forfeit yet another quarter of his revenues. If he remained obstinate in his disobedience the metropolitan would be bound, under pain of interdict, to report the matter to the Pope within a period of three months. A comparison of the chapter with the first draft shows two significant alterations. While the latter only withholds the disposal of the revenues, the former inflicts the forfeiture of a quarter of the income—an appreciable fine—and instead of the cathedral chapter, the metropolitan is made responsible for bringing persistent absenteeism to the notice of the supreme authority.

The second canon cancels all indeterminate dispensations from residence granted to owners of pastoral benefices, while it obliges those holding dispensations granted for a definite period and on legitimate grounds, to account for them to the bishop. The latter has the right to see to the appointment of suitable and adequately remunerated substitutes, and this in virtue of apostolic authority in the case of the exempt. Thus the bishop was no longer forced to remain a helpless spectator when, on the plea of alleged or genuine dispensations, or their exemption, his parish priests neglected their pastoral duties. Even

more important for the Spaniards than this concession, was the paragraph in can. 4, by which bishops were empowered to visit or correct cathedral chapters in virtue of apostolic authority, though only in their own persons (*per se ipsos solos*), notwithstanding the latter's exemption or any custom, legal decisions or conventions to the contrary. Thus the exception to which Pacheco had objected, namely exemption from the date of foundation or time immemorial, had been dropped. The remaining two canons (3 and 5) were substantially taken over from the first draft.

The question was whether this compromise, negotiated on the morning of 11 January between Del Monte and the experts of both parties, would meet with the approval of the plenary assembly. In the general congregation of 12 January, the last before the Session, Pacheco declared himself satisfied with what had been attained and gave his approval to the draft, but most of the bishops from beyond the Alps found as much to criticise in it as the curialists. The former found fault with the mildness of the penal stipulations and complained of the omission of a declaration of the *ius divinum*, the inclusion of the cardinals and an unequivocal condemnation of the accumulation of benefices, while the latter judged the penalties to be "very severe" (*satis durae*, so the Bishop of Matera) and even "too severe" (*nimis graves*, so the Bishop of Cadiz). Only a bare half of those entitled to a vote gave their *placet* to the new draft.

In the face of a result of this kind it was an extraordinary risk to have the draft, in its existing form, voted upon at the Session on the following day. Del Monte nevertheless decided to take the risk, obviously in the hope of obtaining at the last moment the assent of the undecided and thereby turning a minority into a majority. The Bishop of Syracuse spoke a word of caution: "Would it not be advisable," he said, "in the circumstances, to be satisfied with the promulgation of the decree on justification and to postpone that of the decree on residence?" Del Monte ignored the warning: "if we were to discuss the decree for a whole year", he said, "no agreement would be reached", and he added that every one of those entitled to a vote was free to have his objections to any part of the decree—set down in writing and signed by him—laid up with the acts of the Council; in fact, with a view to avoiding the possibility of mischief, it was desirable that this should be done. This invitation, with which the president hoped to facilitate acceptance of the decree, proved fatal to it, for when at the Session on the following day the vote on residence came to be taken, fifteen papers

(*schedae*), some of them lengthy ones, and as many conditional votes were handed in, so that the president felt compelled to make the following declaration: "In view of the fact that the votes are divided (*varia*), particularly with regard to the penalties to be inflicted for absenteeism, no decision on the decree can be given at this moment." The decree, therefore, was not accepted, and consequently not promulgated. This was the first time such an occurrence had taken place since the beginning of the Council—a fortunate one when viewed in the perspective of history, inasmuch as it was a demonstration of the freedom of the vote in the Sessions, but from the point of view of policy it was a very painful failure for the legates. How is it to be explained?

The most likely explanation is this: in spite of the fact that the powers over exempt chapters granted in can. 4 were exceedingly welcome to them, the Spaniards had not given an unconditional vote of approval because some of their other demands had not been fulfilled, while they hoped that the Italian majority would give the decree their *placet* and so assure its acceptance. But no incontestable majority materialised because one section of the curial party—twelve Fathers of the Council—were opposed to any alteration of the actual law. An examination of the protocol of the Session shows that out of sixty bishops who voted, only twenty-eight gave a *placet* free of any qualification or addition. It was a matter of opinion whether the votes of the abbots and the generals of Orders, which had always been counted in the total number, were to be included, and to what extent the votes accompanied by additions and qualifications were to be considered to have been cast in favour of acceptance.¹ The president accordingly put off the announcement of

¹ The acts of the vote on the decree on residence in the Session of 13 January 1547 and the 15 *schedae* in *C.T.*, VOL. v, pp. 802-9; according to Severoli, *C.T.*, VOL. I, p. 122, l. 30, the president said after the votes had been collected: "All the Fathers approve the decree except for certain turns in the wording, which amounts to a declaration of acceptance." However the protocol, VOL. v, p. 809, l. 14 and Massarelli's *Diarium III*, *C.T.*, VOL. I, p. 602, l. 16, clearly state the fact of the postponement of the decision: "nihil super his modo agi potest." The result was only announced by the president in the general congregation of 15 January, VOL. v, p. 833, l. 18; VOL. I, p. 123, l. 9. It seems to me that in his report of 14 January to Farnese, VOL. x, pp. 790 ff., Cicada gave a better explanation of the result than the legates, VOL. x, p. 793, l. 25. Cicada's explanation is supported by a proposal made on 15 January by the Bishops of Astorga and Calahorra, that the decree should be considered to have been accepted.—Of the 15 *schedae* handed in at the Session only one came from a member of the curial party (the Bishop of Matera); all the others are from the group of the opposition (viz. the Bishops of Sassari, Sinigaglia, Clermont, Fiesole, Capaccio, Porto, Bosa, S. Agatha, Lanciano, Badajoz, Astorga, Aquino, Huesca, Calahorra). Four of these are dissatisfied with the penalties (after six months' absence) which they regard as inadequate, because it could be interpreted as meaning that an absence of six months could be permitted. The total number of votes against the penal clauses (including the oral ones) amounted to 12.

the result of the vote during the Session on the ground that the prelates' papers would have to be carefully and calmly examined. Never before had anything like this happened at a Session of the Tridentine assembly: in the case of all previous decrees not the smallest doubt about their having been accepted had ever arisen.

On examining the protocol, Del Monte came to the conclusion that the decree could not be regarded as having been accepted. Cervini's personal opinion was that it had been accepted but he left his colleague completely free in the matter. The obvious way out—the formation of a commission for a study of the result of the vote—the legates refused to take, so for the time being the decree on residence was not recognised as valid in law. The contrast between the Council's unanimity on the dogma of justification and the lack of it on the question of residence was as evident as could be. Responsibility for such a result rests with Del Monte.

When two days later the president appeared at the general congregation, he frankly confessed that he did not know what should be their next step.¹ While the decree could not be regarded as having been accepted in its present form, the written and oral declarations of the Fathers did not make it clear in what places and in which sense the majority desired it to be altered. Not one of the suggested changes

Nine *schedae* complained of the absence of an express mention of the cardinals (that with the oral votes there were only six, as Del Monte claimed on 15 January, *C.T.*, VOL. I, p. 123, l. 10, is therefore inaccurate in any case); 6 criticised the omission of a prohibition of the accumulation of benefices and 3 wanted the *ius divinum* to be defined. It is also worth noting that the Bishop of Bosa—inspired by episcopalistic considerations—took offence at the circumstance that the ordinaries' rights over the exempt were granted to them in their capacity as apostolic delegates.

¹ The protocol of the general congregation of 15 January, 1547, *C.T.*, VOL. V, pp. 833 ff., agrees almost word for word with Severoli's *Diarium I*, *C.T.*, VOL. I, pp. 123 f. It is not possible to ascertain for what reason Massarelli was content, in this instance, with merely reproducing his rival's copy. That he was present appears from *Diarium III*, *C.T.*, VOL. I, pp. 603 f. The fact that Del Monte returned to the question of the title may have been due to the very detailed *scheda* of the Bishop of Badajoz who, among other arguments, had appealed to the Council of Constance, *C.T.*, VOL. V, p. 801. We get Cajetan's opinion in a tract composed in the year 1511: *De comparatione auctoritatis papae et concilii*, ed. by J. Pollet, (Rome 1936), p. 58: "Concilium habet quod repraesentet universalem ecclesiam a papa." According to Cervini's letter of 17 January to Farnese, "non si ragionò d'altro che del decreto della residentia", *C.T.*, VOL. X, p. 792, l. 9. In their joint report of 19 January, *ibid.*, p. 794, l. 42, the legates point out that the Bishop of Badajoz had declared that he would be satisfied if an anti-Lutheran canon with the content indicated in the text were laid down.—The Bishop of Astorga still mentions Archinto's remark about "foxes" in a letter of 13 February to the Emperor, *C.T.*, VOL. XI, p. 102, l. 12, but adds that in the Spanish camp opinions were divided as to whether it was right to indulge in a verbal exchange with Archinto.

commanded an unquestionable majority. Del Monte complained of the stubbornness with which everyone stuck to his own opinion. If things were to go on like this he would seriously consider whether he would attend another general congregation. It was evident that he was greatly vexed by his defeat. In point of fact, he should not have heaped reproaches only on others but should have blamed himself more than anyone else. His policy of putting off the debate on residence until a couple of days before the Session, thereby cutting short the Council's time, and his unwillingness to make of his own accord concessions that were inescapable, until they were wrung from him, were mainly to blame for the muddled situation. His threat bordered on the ridiculous, for how could he, the senior legate, allow the Council to shift for itself? The consequences of such conduct for the Papacy would have been unpredictable.

Pacheco saved the situation by proposing that the whole complex problem should first be discussed at a conference of the canonists. When this had been done, appropriate proposals might be laid before the plenary assembly. The Bishops of Astorga and Calahorra, both of them canonists, maintained that it was perfectly possible to regard the decree—together with the divergent votes—as accepted and therefore to promulgate it. In the acts of the fifth Lateran Council, they argued, decrees are found with qualifying additions to the votes of some of the Fathers (*annotationes*). However, this wholly reasonable proposal was wrecked by Del Monte's persuasion that the decree on residence could not be considered as having been accepted since not merely a few bishops but the majority had given qualified votes—hence not an unconditional *placet*. He evidently felt that the *placets* of the abbots and generals of Orders could not legitimately be counted with the other votes since the decree concerned bishops, hence persons of a higher rank than theirs. Without a fresh consultation of the Council the decree could not be regarded as accepted. In these circumstances Pacheco's proposal to discuss the position in the committee of canonists seemed in fact the best way out of the predicament.

At this same general congregation of 15 January the title of the conciliar decrees came up once more for discussion, not without good reason. At the beginning of the conciliar negotiations the legates had hinted that at a later stage of the proceedings of the assembly they would not object to the formula *universalem ecclesiam repraesentans*, when there was question of decrees of particular importance. It could scarcely be denied that the decree on justification fulfilled that condition.

Five prelates, the Bishops of Lanciano, Badajoz, Calahorra, Astorga and Huesca had complained of the omission of the formula in *Sessio VI*, while another prelate, the Bishop of Sebenico, had formally protested against it in his *scheda*. Without recalling the earlier debate, Del Monte clearly defined the principle which inspired the legates' action, namely that the Council of Trent did represent the universal Church. On the other hand, he went on, it would not be expedient (*non expedit*) to state this fact expressly in the decree because at the Councils of Constance and Basle the doctrine of the representation of the whole Church had been played off against the authority of the Pope. By way of proof he read passages from Torquemada and Cajetan. The Bishop of Badajoz thereupon defended himself: "I have moved the introduction of the formula", he said, "solely in order to counter Luther's teaching that a legitimately convened Council does not represent the universal Church." Francisco de Navarra thus disclaimed any sympathy with conciliar theory; his only concern was to put the authority of a General Council beyond doubt, in the present instance the authority of the Council of Trent. The president hastened to grasp the hand thus held out to him and declared his readiness to lay before the Council a canon running thus: "If anyone says that a legitimately convened Council does not represent the universal Church, let him be anathema." Actually he could hardly have acted otherwise without infringing the authority of the very Council over which he was presiding. The unwillingness to embody the formula of Constance in the Tridentine decrees was prompted solely by the fear of conciliar theory which we have long ago come to know both as an obstacle to the timely convocation of the Council and as a continual hindrance of its direction by the legates.

Del Monte's statement of principle might perhaps have somewhat eased the tension had not Archinto shocked the assembly by the provocative declaration: "My opinion is that the Council does not represent the universal Church." The remark was received with loud cries: "This is heresy!" The excitement grew still further when Archinto added that he only meant to catch the little foxes (cf. Canticum II, 15), who under pretext of this formula had something very different in mind, namely the Pope's subjection to the Council. The Spaniards took this remark as aimed at themselves. So bitter was their resentment that the president felt compelled formally to disavow Archinto and to enjoin silence. He succeeded towards the end of the congregation in easing the tension to some extent when the Bishop of Fiesole

asked to be allowed to speak: "I shall state my opinion on this controverted question at the Session", he declared. Del Monte greeted the announcement with the light-hearted yet at bottom mischievous remark: "The Bishop of Fiesole is free to say whatever he pleases in the future also." Thereupon the gathering dispersed amid general hilarity.

In the short general congregation of 17 January, in which Cervini laid down the plan for the dogmatic discussion on the sacraments, Del Monte submitted the two summaries of the *Impedimenta residentiae* which had been compiled in the course of the summer of 1546. This meant that those responsible for the direction of the Council had at last made up their minds to drop the "small solution" of the problem of residence, which in reality had only been a pretence from the first, and to include in the debate the deeper causes of the pitiable state of the pastoral ministry which lay beneath the harmless phrase of "the neglect of the duty of residence". On 20 January the legates finally set up a committee of canonists and to the fifteen who had already met informally on 11 January, they adjoined one more member who, though an expert in the relevant subject-matter, was not entitled to a vote. This was the abbreviator Ugo Buoncompagni who as a one-time professor of both laws at Bologna would be able to give not only legal advice but, as one well acquainted with the practice of the Curia, would also be in a position to explain and defend it.¹ The Spaniards were represented by Pacheco and the Bishops of Badajoz, Astorga and Calahorra; they were therefore numerically weak, but in their case quality made up for quantity.

¹ The very short general congregation of 17 January, *C.T.*, VOL. I, pp. 124 f., 604; VOL. V, pp. 835-44 (here with the text of both summaries), was chiefly devoted to the laying down of a programme for the ensuing weeks. In their report of 19 January, VOL. X, p. 795, l. 13, the legates give the reason for having the *impedimenta* read out: "accioche fussino chiari che non li volevamo dar una residentia nuda"; this was a formal abandonment of the "small solution".—Ugo Buoncompagni—later Pope Gregory XIII—had lectured on both laws at Bologna from 1531 to 1539. When he was made conciliar *abbreviator*, Farnese said that though he was no veteran in this kind of work he would render good service at the Council as an able canonist, *C.T.*, VOL. X, p. 291, l. 2. Shortly before, on 9 May 1545, he had suffered the loss of his patron, Cardinal Parisio. He made his first appearance at the Council on 2 February 1546, VOL. I, p. 475, l. 13. As a member of Pole's class he is mentioned in VOL. V, p. 38, and like the auditor of the Rota Pighino and the consistorial advocate Achille de' Grassi, is treated as a prelate though he had no right to a vote. In the spring of 1546 the legates considered him for a mission to Constance for the purpose of restoring peace between the bishop, the chapter and the city, VOL. X, p. 378, l. 33; he declined, *ibid.*, p. 421, n. 2, but at a later date he accompanied Cardinal Farnese who had been his pupil at Bologna, on his legation to Germany, *ibid.*, pp. 557, n. 3; 563, l. 23. He probably returned with him to Trent only in November. These notes supplement Pastor, VOL. IX, p. 10 ff. (Eng. edn., VOL. XIX, p. 15 ff.).

The official appointment of the committee of canonists, which must be regarded as the counterpart of the committee of theologians which dated back to an earlier period, enriched the working organisation of the Council with a new department, which from now until the end of the first period played the role of a connecting link between the legatine body and the general congregation. These two committees of theologians and canonists were an improved version of the division into classes which had been allowed to lapse in the month of May. Like the classes, the committee meetings were presided over by one of the legates, but with this difference that they did not discuss the same subjects as the one-time classes; on the contrary, they were committees of experts chosen for the purpose of studying the two subjects of the conciliar discussions—dogma and reform. By the creation of these two bodies of professionals, the legates secured the services of the best experts while at the same time they eased the task of the general congregations. It is a significant fact that on one occasion (2 March 1547) a session of the committee of theologians turned into a general congregation which adopted the results of the committee's deliberations almost without any further discussion.

The half-dozen sessions of the committee of canonists which occupied the last ten days of January were a continuation of the hurried debate on the question of residence at the beginning of the month, which was to blame for the unsatisfactory result of the vote in *Sessio VI*. The formal question, whether the decree could be regarded as accepted, was not mentioned at first. Del Monte held to his opinion that it had been rejected. We have no protocols of the sessions of the committee, but only summary accounts which Massarelli embodied in his *Diarium III* and from this transferred into the acts.¹ In the first session, on 21 January, an agreement was come to with comparative ease that in

¹ The purpose of the six sessions of the committee of canonists, which with one exception were held in the morning, between 21 and 29 January, is thus stated in the legates' report of 22 January: "ripigliando da principio il capo della residentia, presupponendo che'l decreto non sia stato ottenuto in sessione", *C.T.*, VOL. X, p. 798, l. 7; cf. also p. 808, l. 28. Severoli did not take part in these sessions and only gives a summary, *C.T.*, VOL. I, pp. 125 f.; on the other hand it is by no means certain, in fact it is unlikely, that Massarelli's reports in *Diarium III*, *C.T.*, VOL. I, pp. 605-7, rest on notes taken during the discussions, for he too does not appear to have taken part in these committee meetings. The acts, *C.T.*, VOL. V, pp. 847 f., 852 ff., 857, 859, 861, only reproduce the contents of the *Diarium*. The legates' report of 27 January is quite short, VOL. X, p. 804, l. 3; at the end of the sessions, on 30 January, the legates declared themselves satisfied: "siamo un pezzo inanzi", *ibid.*, p. 805, l. 14. Del Monte's final report in the general congregation of 31 January is more fully reported in the acts, VOL. V, p. 868, than in Massarelli's *Diarium III*.

the preface to the new decree about to be drafted, the Pope should be requested to exercise the utmost caution, in future, in the appointment of bishops. There was no question of imposing an obligation on the Pope. A sharp conflict of opinions only occurred in the next two sessions, 24 and 25 January, when the chief cause of absenteeism, the accumulation of benefices, came up for discussion. The question was whether the prohibition of the accumulation of bishoprics and other incompatible benefices should only apply in future or whether it should be made retroactive so as to compel the present holders of such benefices to give up all but one. It is easy to see how the Spaniards would do their utmost to remove the present, crushing abuses by means of a decree with retroactive force, and how on the other hand, the curial canonists would urge grave objections, mostly of the juridical order, against an ordinance of this kind. Although the two stand-points proved irreconcilable, it was decided to draw up a canon and to submit it to the members. It is not certain whether the canon formulated on 26 January was identical with can. 3 of the draft drawn up on 3 February, for under date of 27 January Massarelli noted that on that day an agreement was arrived at to forbid the accumulation of benefices for the future only; as for the past, a ruling would be sought at a later date. The fact was that agreement on this cardinal point was still very remote. Moreover, a back-door remained open through which cunning benefice-hunters could slip in whenever they sought the uncontested enjoyment of two incompatible benefices, that was the union of benefices for life. In order to barricade this door it was decided on 28 January to pray the Pope not to sanction such unions in future and to test the legality of the existing ones. On the other hand it appears that it proved impossible to come to an agreement about the wording of the canons that had to be drafted. In the last session of the committee, on 29 January, a sub-committee was set up consisting of the Bishops of Matera, Astorga and Alife for the purpose of studying and reporting on the problem of exemptions. Among them too there was no controversy about the ruling concerning the future, but only about the retroactive force of the proposed decree, that is, the removal of present conditions. In view of the fact that existing exemptions rested on papal dispensations, a consultation of the Pope was contemplated as previously in connection with papal dispensations granted to the holders of several bishoprics.

From the report on the sessions of the committee which the president laid before the general congregation of 31 January we gather that even

its Spanish members, notwithstanding their vigorous insistence on the urgency of a drastic change in the present situation, were yet not prepared to invalidate by means of conciliar decisions, papal juridical acts such as the above-mentioned dispensations and exemptions, without previous consultation of the Pope. However, the fundamental problem of the whole of the conciliar reform, which touched on the basic relation between the two authorities, the Pope and the Council, had taken shape in the minds of the members of the committee, most of whom were adherents of the Curia: to what extent might the Council interfere with the papal prerogatives and with the administrative practice of the Curia. The Pope's instructions of 23 March 1546, which in principle left the reform of the Church to the Council (cf. above, CH. IV), did not imply that the Pope was subject to the reform measures passed by that assembly; nor did they contain a list of maximum concessions. Since all their requests for precise directions had been ignored, the legates themselves did not know how far it was lawful for them to meet the demands of the reform party. It was against the background of this all-important question that the debate on the eleven canons which had been formulated in the meantime, opened on 3 February.¹ However, before we follow up its course we must compare the new reform proposals with the decree on residence of *Sessio VI* with which we are acquainted.

¹ The debate on the 11 canons, *C.T.*, VOL. V, pp. 871 f.; VOL. I, pp. 125 f. (the count goes on to 13 because can. 8 and 9 on the unions are missing), took up the time of the general congregations of 3, 4, 5 and 7 February 1547. Severoli, *C.T.*, VOL. I, p. 128, wrongly places the latter on the 6th; the acts in VOL. V, pp. 874 ff., 878 f., 880 ff., 892 ff. The most important points of the criticism of the proposals are more clearly set out in the legates' report of 6 February, VOL. X, p. 809, than in the summary of the acts, VOL. V, pp. 893 ff.; but I am unable to discover in the acts the criticisms mentioned in points 7 and 8 of the legates' report. The essential point, the "jurisdicción que el concilio tiene sobre esta reformación" is also touched upon by Pacheco, VOL. XI, pp. 99 and 103 (point 7 on 17 February), while the Bishop of Astorga, *ibid.*, p. 102, l. 18 stresses the value of the concessions granted to the bishops. Del Monte's letter to Cervini on 7 February, VOL. X, pp. 810 f., shows that previous to his speech of 8 February the president knew quite well what was at stake, and that he had had a mind to leave it to his colleague of whose zeal for reform no one at the Council had any doubt. The discourse which Del Monte ended by pronouncing himself is much better recorded by Severoli, *C.T.*, VOL. I, pp. 128 f., than in the acts, VOL. V, pp. 895 f., but both reports have the important passage on the aim of the reform by the Council, Severoli: "ut cura animarum a nobis nullatenus negligatur", *C.T.*, VOL. I, p. 128, l. 36: Massarelli: "sufficeret animabus providere", VOL. V, p. 895, l. 20. The Bishop of Capaccio's explanation of the expression "sophistical" on 10 February, VOL. I, p. 612, l. 11; VOL. V, p. 908, l. 6.—The *licentia de promovendo a quocumque*, frequently connected with leave to receive Orders outside the regular times, is found in the taxation list of the Penitenzieria in the days of Clement VII, Göller, *Geschichte der päpstlichen Pönitentiarie*, VOL. II (Rome 1911), p. 155.

The new proposals left can. 1 and 2 of the decree on residence (now can. 2 and 5) substantially unaltered. The previous can. 3 and 4, which gave bishops the right of surveillance of the exempt, especially that of cathedral chapters, together with authority to punish them, were left out for the time being because the sub-committee had not as yet concluded its task. Can. 5 (now 11) was enlarged by an ordinance forbidding chapters *sede vacante* to allow bishops from outside the diocese the use of the *pontificalia*, or to issue letters dimissory to candidates for ordination. A new additional canon (can. 12) made the use of a licence to receive ordination from a bishop of the candidate's own choice, subject to verification by the ordinary. The purpose of these two canons was to put a stop to the not infrequent simoniacal ordinations conferred by titular bishops on the basis of the notorious licences *de promovendo a quocumque* which the Penitenzieria was in the habit of granting, and to subject the reception of priestly Orders to the control of the respective bishop. These canons were a first step towards the new Tridentine legislation for ordinations. But even more significant were the basic lines of the new legislation concerning offices now laid down for the first time.

This new legislation was based on the principle that office and benefice are inseparable. The man who is either unable or unwilling to fulfil the office may not receive the benefice. In addition therefore to the earlier prescriptions of Canon Law (at the third and fifth Lateran Councils), the conveyance of bishoprics and pastoral benefices was made subject to certain personal qualifications: in the first case (can. 1), in the form of an exhortation addressed to the Pope to appoint to bishoprics only men of mature years, approved conduct and sound intellectual formation; in the second case (can. 4), the very legality of the concession of a pastoral benefice was made to depend on the suitability of the recipient. In connection with this principle, can. 10 prescribed that bishops must receive consecration at the latest within a year after nomination and can. 13 laid down the same time-limit for the reception of the Orders required for the fulfilment of the respective offices.

A further consequence of the basic principles of the new legislation concerning offices was the break with the accumulation of benefices both on the diocesan and on the parochial level. Can. 3 stipulated that no one could hold or administer with full rights (*in titulum*) two dioceses "for he is fortunate who is able to administer a single diocese successfully and to the advantage of the souls committed to his care". At the very least the word *retinere* did not preclude the application of the canon

to such as held here and now several dioceses. In can. 6 the possession of several incompatible benefices is threatened, for the future, with the penalty of their forfeiture to be incurred *ipso facto*. Can. 7 obliges those holding papal privileges to submit them to the ordinaries while the latter are directed to proceed in accordance with the *c. Ordinarii* of the second Council of Lyons, and where necessary to arrange for the appointment and adequate remuneration of suitable substitutes for the absentee owners of the benefices. The prospective canons on the union of benefices by means of which the earlier canonical stipulations had been circumvented were held back together with the canons dealing with exemptions. In spite of these gaps the reform proposals of 3 February marked the beginning of a "great solution" of the problem of residence. They were no mere tactical compromises, as was the decree on residence of *Sessio VI*. Its future fate, however, was overshadowed by the question of the extent to which the Council could, and should, interfere with the practice hitherto followed by the Curia in the concession of offices and dispensations—this was the question of powers; and by the further question whether Pope and Council would be able to co-operate harmoniously in the proposed work of reform—this was the question of confidence.

Already in the first of the four general congregations (3, 4, 5 and 7 February), in which the proposals were discussed, the first doubts about the Council's competence and the opportuneness of a conciliar reform made themselves heard. "All our efforts are in vain", Benedetto de' Nobili observed, "if the Pope does not concur. The canons laid before us go beyond the Council's proper authority." The Bishop of Sassari expressed the opinion that the best thing the Council could do was to leave the whole problem of residence to the Pope. In this he was supported by the Bishops of Feltre, San Marco, Bitonto and some others. This group seemed prepared to abandon all thought of a conciliar reform which would in any way interfere with the competence of the papal officials, hence also, as a natural sequel, any kind of effective reform by the Council: this group was more papal than the Pope himself who, after mature reflection, had decided otherwise by the end of March 1546. This explains why the Spaniards were not the only people to condemn the pusillanimous hesitations of this group, but that even prelates of the Curia, men like the Bishops of Albenga and Alife—probably on the strength of information derived from the legates—drew attention to the fact that the Pope had actually handed over the task of the reform of the Church to the Council in the very Bull of Convocation.

On many Spaniards, for instance on the Bishops of Capaccio, Castellamare, Lanciano, Badajoz, the Bishop of the Canaries, the proposals of the group headed by the Bishop of Sassari had the effect of a provocation. They were indignant and offered the most determined opposition to this attempt to reduce the Council to impotence by its own act. None was more resolute than the Bishop of Bosa: "The Pope", he said, "is the head of the Church and of the Council. The Council jointly with the Pope represents the universal Church and so has power to lay down laws for reform which in point of fact the Pope also may issue without his being bound to do so. His office is to confirm the conciliar decrees" (*probare*).

The legates looked on in a state of no small anxiety as a well-meant proposal of their adherents was steering the debate towards a discussion of power—a subject that was taboo for them, for such a turn in the discussion was more dangerous for them than an objective criticism of the draft. However, once again the proposal was only decisively rejected by the Bishop of Sinigaglia: such a reform, he said, was worse than no reform; but even the alterations suggested by the Spaniards, who were once more joined by several Italians (the Bishops of Fiesole, Aquino, Bertinoro and Bitonto) tended towards a considerable stiffening of the reform. Pacheco's vote was, as usual, well thought out and temperate. It enables us to ascertain the direction of the critics' offensive. From the previous debates we are acquainted with his demand that the prohibition of the accumulation of bishoprics laid down in can. 3 should include every degree of the hierarchy, hence also the cardinals, while the prohibition of the accumulation of benefices in can. 6 should be made retroactive. His adherents went even a step further; thus, for instance, the Bishops of Porto and Lanciano insisted on retroactive force being given to can. 3 and the Bishop of Calahorra pressed for a declaration that the cardinalate and the episcopate were incompatible. New, and pointing to the future, was Pacheco's proposal to subject candidates for pastoral benefices to an examination such as was customary in Spain: "a strict examination", the Bishops of Badajoz and Astorga added emphatically. Luigi Lippomani, the coadjutor of Verona, wished future bishops to undergo a similar examination before three cardinals appointed by the Pope. On the other hand, the Archbishop of Aix thought it would suffice if the episcopal informative process were rendered more effective by being taken out of the hands of the Curia and transferred to the place of residence of the bishop-designate. A whole year as the extreme time-limit within which a

bishop-elect must receive consecration seemed much too long to Pacheco: it should be kept at three months, as already prescribed by the Council of Chalcedon and later by Canon Law.

The legates' adherents took up the defence of the reform proposals against their critics, but while doing so they repeatedly insisted that the right road to reform was not by way of radical innovations but by a return to the ancient laws—*iura antiqua*. The Bishop of Matera summed up their idea of Church reform when he said that "if the ancient canons are renewed it will be possible to speak of a reform, for reform surely means a return to former conditions". We are already acquainted with this attitude of mind through the *schedae* which some of the curialists handed in at *Sessio* VI. In point of fact the proposals before the Council bear witness to an effort towards a restoration of the ancient legislation. In four places (can. 1, 4, 6, 7) they appealed to the famous chapters *Quia nonnulli* and *De multa* of Alexander III and Innocent III as well as to *c. Ordinarii* of the second Council of Lyons. They also appealed to the fifth Lateran Council, but the two quotations from the latter were objected to by Pacheco and almost all the Spaniards and by several Italians, for instance the Bishops of Verona and Bitonto. Their motive remained unspoken, but it was undoubtedly fear lest the Tridentine reform should be compromised by inviting comparison with the most recent of the Lateran Councils, whose oecumenical character was questioned by Spain, while its ineffectiveness was questioned by no one. The Bishop of Bitonto asked for the name of Leo X to be struck out because it was hateful to the Lutherans. Instead of the quotations from the fifth Lateran Council, the Bishop of Sassari and several other prelates wanted the decree to embody the Clementine decretal *Execrabilis*, on the ground that this was sternly opposed to the accumulation of benefices and, unlike the last Lateran Council, which permitted the holding of four—or at least two benefices—precluded any such possibility.

When Del Monte began his customary concluding discourse at the general congregation of 8 February, he was well aware that it was not enough to refute the criticisms of the proposals with arguments from Canon Law. A stiffening of the opposition and a dispute over the question of powers could only be avoided if he succeeded in convincing the reform party of the genuine desire of the leaders of the Council to bring about a reform. He would have preferred to leave the task to his colleague Cervini, of whose earnest wish for a reform there was no reasonable doubt, but the latter excused himself, fully conscious as he

was of his lack of the gift of eloquence. The president had, therefore, perforce to enter the lists himself. The result was a psychological masterpiece. His discourse on 8 February undoubtedly ranks among his finest efforts: "Why all these jeremiads about the abuses in the Church with which we are all of us fully acquainted?" he asked; "why this wrangling about the question of powers? The aim of our reforming activity is the revival of the pastoral ministry—the cure of souls." This was the first time that this purpose was clearly stated in a plenary assembly of the Council. "This must be the aim of our reforming activity," he went on, "but measures that can never be carried out, such as the examination and sifting of all priests engaged in the cure of souls, would only expose the Council to ridicule. We must strive for objectives that are attainable. This we shall do by means of the proposed canons. They are by no means perfect but they are not mere sophistry, as someone has said. To speak thus is to ascribe to the legates an intention to deceive which is far from them. It has been said that a strict reform would be in the best interest of the Holy See. This is perfectly true; but there must be no attempt to curtail the papal authority, to subject the Pope to the canons of the Council." The president's concluding words were as conciliatory as they were grave: "We feel sure that we are in the company of men who are convinced of our sincerity. It may be that up to this time we have been too indulgent, but our forbearance is not weakness—let this be said in all kindness." Two days later Del Monte had the satisfaction of listening to a statement by the Bishop of Capaccio—for it was he who had let the word "sophistry" escape him—which amounted to an apology. It had not been his intention, the bishop declared, to say that the legates had submitted the canons with the intention to deceive, but that their content was not clear (*dubii, non autem deceptores*).

During the pause in the reform negotiations due to the intercalation of a general debate on the sacraments from 8 to 22 February, the position of the legates was happily reinforced by a measure whose execution by the Pope could only lead to a more trustful collaboration between Rome and the Council in the affair of the reform.¹ In every

¹ For the antecedents of the consistorial decree of 18 February 1547, *C.T.*, VOL. v, pp. 981 f., also VOL. I, p. 621, note must be taken of the information in the legates' correspondence, VOL. x, pp. 463, l. 2; 800, l. 29; 808, l. 9, but above all of the data given by Gianbattista Cervini on the session of the commission on 23 January, *ibid.*, p. 924, and the grouping of the parties in the Sacred College in the consistory of 31 January, *ibid.*, p. 926. Cervini's suggestion of the publication in Rome of a decree for the reform of the cardinals, *ibid.*, pp. 802, l. 17; 810, l. 20. On 26 February Bianchetti;

one of the debates the reform party had insisted on the inclusion of the cardinals in the canon on residence and in the prohibition of the accumulation of bishoprics. This insistence was fully justified, for what effect could be hoped for from a reform which spared the most unscrupulous beneficiaries of the system that had prevailed up to this time? Paul III was not insensible to the force of this argument. Already in the consistory of 16 April 1546 he had rejected the nomination by the King of France of Cardinals François Louis de Bourbon and Ippolito d'Este, both of them already administrators of several dioceses, to yet another diocese each. The reform Bull *Nostri non solum*, which had been forwarded to the legates at the beginning of January, contained a stipulation to the effect that no dispensation for holding several dioceses would be granted in future. In addition to this Del Monte was able to inform the committee of canonists that the Pope had exhorted the cardinals in consistory to resign their additional dioceses, that is, in other words, to comply of their own accord with the new

reports to Della Casa about the consistory of the 18th: "La disputa fù, se stando il concilio era bene fare et publicare questo decreto qui, o pure lasciare al concilio che lo determinasse. Et in somma (dopo molto voltare) conclusero non solamente di risolverlo, ma di publicarlo et anche mandarlo a Trento", Bibl. Ricci 5, fol. 225", or. The first information about the content of the decree was given by Del Monte at the general congregation of 25 February when he read out the corresponding passage of Farnese's letter of 19 February which had arrived on the same day, *C.T.*, VOL. v, p. 980, l. 45; VOL. x, p. 827, l. 35. The text of the decree only arrived with the mail despatched from Rome on 25 February and was made known at the general congregation of 2 March. Ardinghello's *Responsum* to the 11 points of the legates' report of 6 February, an extraordinarily important document which is also evident proof of the confidence Paul III placed in the cardinal, in *C.T.*, VOL. x, pp. 819 f.; it should be set beside the memorial of the commission of cardinals, *ibid.*, p. 820, n. 1, where the stricter view is stressed, inasmuch as it also advocates the prohibition of the accumulation of benefices in the past, "quia piis mentibus adhuc non satis plene factum esse videtur". These directives came too late for the formulation of the 20 canons, but the legates nevertheless wrote on 24 February: "Non credemo che in essi (canoni) si contenga cosa contraria al parer di S.S^{ta}", VOL. x, p. 825, l. 4. How greatly the Pope trusted the legates and in this case particularly Cervini, appears from the brief of 25 February, VOL. v, p. 993, n. 3, granting them various powers of which more will be said further on.—Very different from the reaction of authoritative circles—the Pope and the cardinals—to the Tridentine discussions of reform was that of the curial officials of the lower order. On 22 January Bianchetti describes them as "la rovina di questa corte", but at the same time he thinks that the Pope could easily "con un *non obstantibus* acconciare ogni cosa", that is, deprive the conciliar decrees of any practical effect by the inclusion of that clause, Bibl. Ricci 5, fol. 133", or (the date of the year there given, 1546, is wrong and must be replaced by 1547). On 14 March, after he had become acquainted with the consistorial decree, the Nuncio Dandino expressed the opinion that in France "non sarà di poco negotio, se si potrà mettere in pratica . . ., perche ogniuno se scuserà sopra del Re, et il Re non si curerà d'haver buone spalle", Vat. Arch. AA, I-XVIII, 6532, fol. 159". However, even if the decree is not given effect the Pope and the College of Cardinals have at least given proof of good-will!

ruling. After this no further attacks on the cardinals were made in the committee, though they occurred in the general debate. The legates' report of 6 February accordingly took up Cervini's earlier suggestion that the best answer to all these attacks would be *una buona reformatio del Collegio*, not merely in the shape of an exhortation by word of mouth, or the laying down of a rule of conduct, but in the form of a law to be published, if at all possible, before the Session.

Thereupon, presumably after the first hearing on 14 February of the commission of cardinals for the Council, the Pope decided in the consistory of 18 February to promulgate a decree against the accumulation of bishoprics by the cardinals. This met the fondest wishes of the reformers at the Council. Not only did it reaffirm the previously proclaimed principle that in future the cardinals would not be allowed to hold more than one diocese—not even as administrators, or *in commendam*—but it also stipulated that cardinals actually in possession of, or administering more than one diocese—apart from the suburbicarian sees—must, within a period of six months, choose one of them and resign the others. For dioceses subject to the right of patronage or nomination, the time-limit for resignation was extended to one year. If this section of the decree was given effect, the accumulation of bishoprics by the cardinals would be a thing of the past. However, the decree included yet another stipulation. It inculcated the cardinals' duty to reside at the place where the Pope resided hence, as a necessary consequence, it excluded the duty of residence in the diocese which they retained. In the eyes of the reformers this was obviously not an ideal solution but, as Maffeo put it in his covering letter, it was "a big step forward".

The official attitude to the further demands for reform by the Fathers of the Council, in so far as they were put together in the legates' report of 6 February, was defined by Cardinal Ardinghello on the Pope's instructions and obviously after a serious exchange of views with him. The references to the fifth Lateran Council, he said, might be dispensed with without more ado; the declaration that the duty of episcopal residence was based on a divine ordinance must be dropped, for such a declaration would only add to the general confusion. As to the most controversial question of the moment, the retroactive force of the ruling on the accumulation of benefices, Ardinghello took his stand by the Reform Bull of 31 December 1546 which permitted dispensations for the future "to learned and highly-placed persons", though for no more than three benefices, if the smallness of the revenues

or some other legitimate motives made it advisable. But the legates were instructed to extend this ruling to the past in accordance with the advice of the commission of cardinals. Ardinghello likewise agreed to the abolition of the union of benefices already granted for the owner's lifetime, but the holders of such benefices were to be allowed an adequate time-limit in which to resign their supernumerary benefices; the commission of cardinals was even willing to permit them to resign in favour of persons of their own choice. The examination of the pastoral clergy, on which the Spaniards insisted, Ardinghello rejected as superfluous and he also had misgivings about allowing ordinaries to depose ignorant or evil-living parish priests in cases other than those foreseen by Canon Law and solely at their personal discretion. The transfer of the informative process to the domicile of the candidate was useless, for unreliable witnesses might present themselves there just as well as in Rome. As for the new regulations for the right of ordination the prescriptions of the Reform Bull were also sufficient.

So much is clear: Ardinghello's reply kept to the strictly conservative lines of the curial reform party and shrank from a really incisive operation on the sore spots of the law concerning offices and ordinations. Although it left the legates a free hand on one important point, on most of the others it tied them to the old law. The powerful group in the College of Cardinals who either did not want a conciliar reform on principle—the men behind the Tridentine curialists—or else would not have it in any circumstances applicable to the past, had once again got the upper hand of the small number of strict reformers, such as Morone and Pole. For all that it was of paramount importance that the Pope placed full confidence in so keen a reformer as Cervini, whose prestige had risen to an extraordinary degree, thanks to the happy completion of the decree on justification. As a result the Pope resolved to allow the legates a relatively considerable freedom of action. The Cardinal of Santa Croce, it was whispered at the time among his friends in Rome, will know how to handle the scissors and how to trim the hair strictly according to measure, but he who hides his ear under his hair will have it ruthlessly cut off.

Ardinghello's reply reached Trent on 23 February. By this time the reform proposals, which had been improved in the meantime and were now formulated in twenty canons, had been handed out to the Fathers of the Council, to be debated by them at the second reading. The belated arrival of the Roman directives did not create any embarrassment for the legates for they had in fact acted on the lines prescribed.

The two gaps that had appeared in the draft of 3 February were now closed: canons 8 and 9 made sure that in future the grounds alleged in favour of permanent union of benefices would be tested by the bishops as to their validity. The bishops were also empowered to hold a canonical visitation of pastoral benefices, regardless of exemption or other privileges, and if need be to put suitable substitutes in charge of them. In addition to the previous canons 3 and 4 of the decree on residence (now numbered 17 and 18) concerning exemptions, can. 10 gave the ordinaries a general authorisation to visit, as delegates of the Apostolic See, all exempt pastoral benefices together with judicial powers enabling them to deal with definite complaints against the exempt (can. 19) and a limited right to supervise hospitals (can. 20). Can. 16 marked at least a step towards meeting the Spaniards' demands for the universal introduction of an examination of the pastoral clergy. It runs as follows: "A candidate presented, named, or chosen for a pastoral benefice may only be given canonical institution, admission or confirmation after he has been examined by the bishop and found suitable."

The twenty canons of the enlarged reform proposals of 22 February included almost without any alteration the five canons of the decree on residence of *Sessio VI*; the only innovation was a broadening of the reform programme and especially the strengthening of episcopal authority. It was natural to ask: "Why repeat these canons if they already have the approval of the Council?" This is precisely the point from which Pacheco started when, as the first, he gave his vote in the general congregation of 24 February¹: "Before I give my vote", he

¹ The debate about the validity of the decree on residence of *Sessio VI*: *C.T.*, VOL. I, pp. 132, 135, 617 f.; VOL. V, pp. 975 f., 980; VOL. X, p. 828. In none of these passages is there a hint, as Abbot Luciano affirms in a letter of 25 February, VOL. X, p. 828, *n.* 5, that the protocol of the Session was *read* together with the votes. The legates' report clouds the state of affairs in that Cervini does not assert his dissenting attitude with a single word, but he lets it be seen that the declaration of 25 February was preceded by a lengthy discussion with the legates' confidants ("alcuni confidenti"), among whom, without a doubt, was Ludovico Simonetta, Bishop of Pesaro, who expressed his misgivings even in the general congregation, VOL. V, p. 980, l. 40.—The natural suspicion that for the sake of the declaration of validity on 25 February, the protocol was later tampered with, finds no support in that document. The number of 28 *placet* votes (out of a total of 60 bishops) given in the text is calculated on the data of the protocol, *ibid.*, pp. 804-9, in such wise that all votes with any kind of addition attached to them have been omitted, as, for instance, that of the Archbishop of Upsala and that of Ferretti (*placet cum promissione*) and above all that of Madruzzo (*placet quod placebit sanctae synodo*). The votes of the abbots and generals of Orders have also been omitted (5 in the protocol but since Seripando is missing the number is really 6); finally 4 votes which left the decision to the legates (in the protocol I can find only 3, viz. the Bishops of Matera, Torcelli, Chironissa). This explains the much

declared categorically, "I want to know whether or no the decree on residence possesses force of law. If it has force of law, as I believe it has, there is no need of another expression of opinion on the canons it contains: but if it has not force of law, I am prepared to include them in my vote." With this query he formally raised once more the question of the validity of the decree on residence which had been considered as settled. Cervini, who had never shared his colleague's opinion, endorsed the Spanish cardinal's view with so much speed and eagerness that one feels tempted to regard the proceedings as a pre-concerted arrangement. This was not a question of prestige for the Council, Cervini argued, as the president had made out; nor was it a *quaestio iuris*, as the Spanish jurists considered and accepted it; it was exclusively a *quaestio facti*, that is, a question whether there had been a majority of favourable votes. If there was such a majority the decree had force of law and could not be altered by a simple decision of a congregation—a change could only be made in a Session; hence before any further steps were taken, the facts must be examined anew.

Cervini's view prevailed, but not before the Bishop of Feltre had drawn attention to another possibility of saving at least a part of the decree on residence. The decree, he said, consists of five canons; only the first, the one dealing with residence, has met with serious opposition. Why then should they not declare the remaining four to have been accepted? The Bishops of Castellamare and Calahorra supported this proposal. Because a prelate, the latter argued, demanded that the cardinals should be included in the canon dealing with residence, it was surely not his intention to reject the whole of the decree.

This distinction, which it was not easy to refute by juridical arguments, was emphatically rejected by other jurists, such as the Bishop of Pesaro and by Pacheco and Del Monte. The decree, they maintained, is concerned with the obligation of residence and constitutes an indivisible whole so that objections to the canon on residence touch the entire decree. The story of its origin amply justified this point of view, which prevailed without difficulty. However, a fresh examination and evaluation of the protocol of the Session showed that to the twenty-eight favourable votes counted by the president several episcopal votes might

higher figures given by Del Monte on 25 February: 37(38) that is, 43 favourable votes, VOL. X, p. 828, l. 19; VOL. I, p. 618, l. 39; VOL. V, p. 980, l. 32. But I must confess that I am unable to resolve certain minor inaccuracies which, however, do not alter the result; they may be explained by the divergences between the protocol of the Session and later statements about the total number of the votes recorded, which oscillates between 65 and 68.

be added without any hesitation, above all the six *placet* votes of the abbots and generals of Orders which up to this time had always been included in the count, as well as the four votes which left the final decision to the legates. The result was that at the general congregation of 25 February Del Monte was able to announce that the relative number of the votes, 43—25, meant acceptance of the decree. With obvious reluctance the president accordingly declared the decree on residence of *Sessio* VI accepted and valid in law. This put an end to a state of suspense which could have been avoided had a committee been set up at once for the purpose of counting and appraising the votes that had been cast.

Even before this decision was reached the debate on the reform proposals—the whole set of them,¹ was begun on 24 February. On this occasion the vote of the Bishop of Fiesole gave rise to a sharp dispute which might have had the worst consequences for the existence of the Council and which were only averted by Cervini's prudent intervention.

Given his episcopalistic standpoint, the Bishop of Fiesole was perfectly logical when he declared that it was intolerable that the powers over the exempt allotted to the bishops in can. 5, 10, 17, 18, 19 should be conveyed to them not in virtue of their own prerogatives, but as delegates of the Apostolic See. The protest was not new, it had been raised in *Sessio* VI, but Pighino, who had only recently, on his elevation

¹ The reform proposals of 22 February, *C.T.*, VOL. V, pp. 972-5, were discussed in the general congregations of 24, 25 and 26 February, VOL. I, pp. 132-5; VOL. V, pp. 975-83, 986. It is strange that the legates' report of 25 February, VOL. X, pp. 827 ff., does not refer to the dispute about freedom of speech between the Bishop of Fiesole and the Spaniards on the one hand and Pighino and his adherents on the other. The informative letter of Abbot Luciano, VOL. X, p. 828, n. 6, cannot possibly be dated 23 February. The Spanish jurists see in the incident a proof "de la poca libertad que ay en al synodo", VOL. XI, p. 108, l. 7. Pratanus's *Epilogue* has only a very brief reference to the incident, VOL. II, pp. 392 f., but it accurately states that the legates did not allow themselves to be intimidated by the *zelanti*. But it is an exaggeration when it is said that they refuted them *asperis verbis*; Severoli, *C.T.*, VOL. I, p. 134, l. 37, and the acts, VOL. V, p. 979, l. 29, use the word *leniter*. Seripando's short note, *C.T.*, VOL. II, p. 434, l. 2, is very much to the point: "Tumultus magni contra Fesulanum excitati ac sedati prudenti Cardinalis S. Crucis sermone." On the other hand it is remarkable that in spite of this incident the legates were convinced already on the second day of the debate that the reform decree would be passed "senza molto contrasto et difficoltà", VOL. X, p. 828, l. 24; on the following day they reckoned with a quiet session, *ibid.*, p. 829, ll. 9 and 21.—Conclusion of the work of revision of the decree in the session of the committee of canonists on 2 March and in the general congregation of the same day, *C.T.*, VOL. I, p. 136; VOL. V, pp. 992 f. is almost identical. The reasons why the legates did not publish the brief of 25 February granting them extensive powers, VOL. V, p. 993, n. 3, are stated in their report of 3-4 March, VOL. X, p. 833, l. 9. For the course of *Sessio* VII see below, CH. X.

to the see of Alife, secured the right to vote at the Council, sprang from his seat and turning towards the legates exclaimed: "It is intolerable that the Bishop of Fiesole should attack the Holy See in this place." He demanded to see the speaker's manuscript so as to convict him of heresy. The word "heresy" was in the air: shortly before this incident the Bishop of Matera had described as heretics all who sought to curtail the authority of the Holy See. The Bishop of Fiesole refused to surrender his manuscript to one of equal rank, as he had every right to do, and Pacheco and the Bishop of Calahorra at once took his part while the Bishop of Castellamare exclaimed: "There is no longer any freedom here!"

At this stage the president intervened. Under pressure from the *zelanti* (the Bishop of Albenga had joined forces with Pighino) he summoned the bishop to give up his manuscript. The latter hesitated, but after the president had repeated his demand, he ended by handing it not to the president but to Cervini, protesting at the same time that he submitted his opinion to the judgment of the Council. This remark increased the Bishop of Albenga's irritation and there ensued an extremely heated verbal exchange between him and the Bishop of Castellamare, in which several Spaniards and the Bishop of Sinigaglia also joined. For nearly half an hour the conflict fluctuated this way and that. The *zelanti* only gave way when the Archbishop of Armagh, who had returned from Rome as recently as 22 February, related that the Pope himself had expressly stated that it was his wish that every member of the Council should speak his mind freely both on the doctrines of the faith and on the reform proposals, even if he were to utter downright heresy, on the one condition that he submitted to the judgment of the Council. With this condition the Bishop of Fiesole had complied in due form. Peace was at last restored by the legates and the discussion continued. However, when Ambrosius Catharinus, who was the last to speak, started once more to toss about the accusation of heresy, the Bishop of Calahorra begged leave to speak. He threatened to leave the Council if its freedom were to be injured by arbitrary invectives: "We are all of us ready to give our lives for the primacy of the Pope," he continued, "but we have been summoned here for the purpose of restoring ecclesiastical discipline. How can this object be attained if we do not uncover the Church's sores? The question is not whether the Pope has authority to act in this way or in that—the only question is whether at the present moment it is a good thing for the Church if, for example, the exemptions and unions (of benefices)

are allowed to go on. If the discussion of problems of this kind is an evil thing (*mala*), whatever are we here for?"

These courageous words disarmed the opposition. Pighino's defence was in reality a withdrawal: "To revoke all exemptions", he said, "was the same as depriving the Pope of the right of granting such privileges, while the abolition of all unions (of benefices) would only add to the confusion: it would be sufficient if existing abuses in this sphere were abolished." These ideas were worth considering; they were in agreement with the basic ideas of the curial reform party. However, Pighino had gone much further. He had attempted, by casting suspicion upon their orthodoxy, to cut short the speeches of those who did not share his views, among them an opponent so worthy of respect as the Bishop of Calahorra. He had arrogated to himself a right which was the exclusive prerogative of the legates. While Del Monte contented himself with exhorting both parties to respect each other's point of view and to cultivate a conciliatory frame of mind, Cervini acted in accordance with the dictates of justice. He rebuked both Pighino and Cicada for claiming a right that was the exclusive prerogative of the legates and exhorted the Bishop of Fiesole not to go on provoking the other side and to forgive his opponents. By this blame of the *zelanti*, mild as to its form but unmistakable as to its content, Cervini safeguarded freedom of speech at the Council and emphasised the conciliar leaders' independence of the party of the *zelanti*. The Bishop of Fiesole hastened to comply with this appeal to his Christian conscience; though the victim of the attack, he went over to Pighino and embraced him. This put an end to the incident.

The divergent conceptions of ways and means by which a reform was to be effected continued of course as before, but both parties were aware of the necessity of making concessions and that the middle course pursued in the proposals before them could only be subjected to minor alterations. On 24 and 25 February the Spaniards directed their attacks against exemptions and unions, their aim being to reduce the consequences of the former to a minimum and to rescind all surreptitious unions. This was the aim, for example, of the Bishops of Badajoz and Astorga. The prelates of the Curia, who kept up their resistance to any alteration of the old law and to the imposition of new penalties, had to bear with the Bishop of Agde when he asked them: "Of what use is it to renew the older papal constitutions? If they have not been obeyed up to now, they will not be complied with in time to come." "It is no use covering paper with writing", Pacheco said, "if we only

repeat what is old and add nothing that is new and appropriate to the times." His proposal that the Pope should revoke all unions enacted during the last fifty years in so far as they had been obtained surreptitiously was perhaps still capable of execution, but to rescind all existing unions, as desired by the Bishop of Calahorra, would probably have brought about a dangerous juridical insecurity. The Archbishop of Upsala was the only one to point to the difficulties which the application of can. 18 would create for the German cathedral chapters.

A further improvement of the climate of the debate took place when on 25 February, after all the bishops had given their votes, the president communicated to them the contents of the consistorial decree of 18 February, against the accumulation of bishoprics by the cardinals. The Council received the communication with deep satisfaction, regarding it as a token of good-will, which in fact it was. In the course of the special debate on the few remaining canons which then began and which ended with the general congregations of 26 and 28 February, the text was further toned down in a few places, for instance in can. 8, which meant that the perpetual unions *could* be dissolved, but need not necessarily be dissolved. On the other hand the text was somewhat tightened in other places (can. 9 and 10); but the general lines remained unaltered. A clause securing the authority of the Apostolic See—*salva semper in omnibus Sedis apostolicae auctoritate*—was inserted in the short preamble. With a view to meeting the Spaniards, Del Monte promised to seek a ruling on their as yet unfulfilled wish for the removal of existing accumulations of benefices on the parochial level. The committee of canonists which was convoked for the afternoon of 2 March, subjected the canons to a final filing process and the general congregation approved them by a great majority later in the afternoon of the same day. Out of the fifty bishops present only ten made certain reservations which sprang in part from episcopalistic notions (the Bishops of Sinigaglia, Fiesole, Castellamare and Lanciano objected to the clause *tanquam Sedis apostolicae delegati*), and partly from the Spaniards' chief concern, namely the removal of existing abuses in connection with benefices with the cure of souls attached to them (the Bishops of Badajoz, Astorga, Calahorra).

No previous reform debate had run so smoothly as this reading of the reform proposals of 22 February. In view of this undoubted success, the legates refrained from publishing a brief dated 25 February which they had received on 2 March. This brief empowered them,

with the consent of the majority of the Council, to take all the necessary measures to prevent papal dispensations from the duty of residence, the owning of incompatible benefices and unions of benefices effected by the Pope, from turning to the detriment of the pastoral ministry. In virtue of this document, which gave them full power, the legates might have gone even further in meeting the demands of the reform party; on the other hand its publication would have jeopardised the agreement so laboriously arrived at, which was to be promulgated on the following day. They accordingly refrained from communicating its content and made no alteration in the text of the decree. In *Sessio VII* held on 3 March the decree was accepted against only ten votes which were not unfavourable, but merely contained some cautious qualifications.

In spite of the critical result of the vote in *Sessio VI*, and the ominous tension between the Spaniards and the curialists in the course of the ensuing discussion, the legates, supported by an impressive gesture on the part of the Pope, had finally succeeded in eliminating the question of authority from one of the most difficult spheres and in finding a compromise. The reform decree of 3 March 1547 undoubtedly marked a step forward both in principle and in practice. It was the recognition of the leading conception of the Catholic reform; the principle that in the sphere of offices and holy Orders the requirements of the pastoral ministry have a prior claim. No less than five times the decree repeats the expression *cura* or *salus animarum*. The practical application of this guiding principle was still somewhat hesitant. Can. 1 and 3, on the choice of bishops and of priests for the cure of souls merely inculcated compliance with the old legislation and to that extent conformed to the curial party's notions of reform. What was new, however, was established by can. 13. This was the examination by the bishops of applicants for benefices nominated by corporations or other persons enjoying the right of nomination. It was not until the third period of the Council that the decisive question of the choice of personnel was discussed anew and satisfactory formulas were arrived at in *Sessio XXIV de ref. c. 1* and 18 and in *Sessio XXV de ref. c. 1*. Moreover, in addition to these measures, the Papacy introduced at least for Italy an examination of candidates for the episcopate such as had been advocated by Luigi Lippomani in the course of the debate of 1547.

The Spaniards' demand for a radical operation which would remove the root cause of the neglect of residence, namely the accumulation of

benefices, a practice due to two centuries' fatal ease in granting dispensations from that duty, remained unfulfilled, as did their further demand for the removal of the obstacles to episcopal activity, namely the exemption of institutions and persons, though they secured a number of partial concessions. In accordance with the consistorial decree of 18 February, can. 2 abolished the accumulation of bishoprics; can. 5 and 6 enabled ordinaries to examine, for their validity, dispensations for incompatible benefices and unions of benefices already effected, while can. 7 and 8 gave them the right of visitation of united and incorporated pastoral benefices and of all exempt churches.

Finally, can. 9-12 which dealt with promotion to Holy Orders also marked progress. They gave the bishops legal authority to deal with the hitherto uncontrollable issue of licences for ordinations by curial authorities and cathedral chapters during the vacancy of the see (*sede vacante*) and fixed a time-limit for the reception of the respective Orders at six months for a bishop, and one year for other clerics. In this sphere also the Council laid down stricter rules in the course of its last period, namely in *Sessio XXIII de ref.* c. 2 and 8. In the same Session of 15 July 1563 the Council formally substituted a new decree (*de ref.* c. 1) on residence for the one passed in *Sessio VI*. The latter, we read, had been interpreted in a sense which was not intended by the Council, that is, as if it had been its intention to allow bishops to absent themselves from their dioceses for five consecutive months. Fear of such an interpretation, which had become vocal even during the debate of 1547, had proved well founded. The new decree tightened the obligation and increased the penalties. In this way the Council showed that it regarded the first solution of the problem of residence as inadequate. The question may be asked: were not after all the two reform decrees, the formation of which we have followed up, little more than soap-bubbles blown into the air in order to impress the world?

The contemporaries did not view them in that light. Many a curial official must have perused the new regulations with deep concern. Gone were the care-free days of the Renaissance Popes, when a humanist or a mere parasite, could without scruple take his place at the richly decked table of the Church and with the revenues of his benefices enjoy, maybe, an *otium litterarum*, while his life had no apostolic character at all.¹

¹ On 12 March Bianchetti wrote to Della Casa, who since 1544 was Archbishop of Benevento though he had not yet received episcopal consecration: "E ben vero che bisognerà promoversi ad ogni modo ad sacros ordines, percioche N.S. non dispenserebbe hora come soleua fare ordinariamente, essendo questo decreto cosi fresco, come ella

The German cathedral chapters felt the enactments against exemptions as a threat. Though they could not, for the most part, claim papal exemption in the strict sense of the word, they nevertheless enjoyed a wide measure of independence of episcopal jurisdiction, based on statutes and election capitulations. This independence was revoked by *Sessio VI de ref. c. 4*, which gave the bishops the right to visit and correct in virtue of apostolic authority. Soon after the first, as yet vague, report of this action of the Council reached Salzburg, the cathedral chapter of that city decided on 8 February 1547 to despatch to Trent one of its members, Canon Wilhelm von Trautmannsdorf, with mission to prevent the curtailment—which was thought to be only imminent—of the rights of the chapter. At the same time it got into touch with the cathedral chapters of Augsburg, Freising, Ratisbon, Passau, Bamberg and Würzburg, but above all with Mainz. Armed with instructions to which the chapter had given its approval on 13 February, and letters accrediting him to Cardinal Madruzzo, Trautmannsdorf set out for Trent accompanied by a canon of Brixen, not otherwise known. He was received in audience at the general congregation of 7 March. However, in the meantime, the two canons had learnt that a decision had already been reached. They accordingly prayed for an authentic explanation of *Sessio VI de ref. c. 4*. “Is it the Council’s intention”, they asked, “to abolish by this decree the jurisdiction of cathedral chapters in the first instance, or does it intend to give the bishops authority to visit and correct chapters only when these bodies neglect to carry out this duty themselves?” (*ipsis capitulis negligentibus*). The chapters were prepared to agree to the latter interpretation but the former would have disastrous results for them because in that case the prince-bishops would feel completely free from any control of their administration and would accordingly oppress their chapters and rob them of their traditional prerogatives. If this were to happen, the new legislation would put the chapters at the mercy of

havra possuto vedere nella sessione ultima.” Sauli too will not obtain the dispensation from consecration which up till now had again and again been renewed, “di maniera che vuole consecrarsi questa Pasca”. He himself was likewise hit because now he was not likely to get a pension from the diocese of Tours of which Cardinal Armagnac had held out the prospect, Bibl. Ricci 5, fols. 229^v-230^r, or. P. F. Ricci also writes on 7 March 1547 to Pagni, when sending him the decrees of the Session, that he had already begun to give up his too numerous benefices, State Arch. Florence, Med. 382, fol. 90^r, or. Madruzzo’s Roman agent, Aurelio Cattaneo, hinted as early as 19 February that it might be necessary for the cardinal to give up one of his two bishoprics, Trent or Brixen, State Arch. Trent, Cart. Madr. 1547, or. France also was urged at this time by the Pope to give effect to the decree “comme saint et utile pour le bien universel de l’Église”, Ribier, *Lettres et Mémoires*, vol. 1, pp. 581 f. (with wrong date).

the arbitrary government of mighty prelates who were also equipped with secular authority.¹

The German chapters were co-regents of the ecclesiastical territories. By reason of their composition and legal position they differed vastly from the Italian and even the Spanish chapters. In their chapter meetings the canons of Salzburg had very properly pointed out that the protestantising attempts of the Archbishop of Cologne, Hermann von Wied, had in the main been thwarted by the resistance of his cathedral chapter. For the time being the conservative attitude of the chapters, which at a later date was to prove a grievous hindrance to Church reform, contributed to the preservation of the Catholic position. If the German bishops had been represented at Trent by proctors with knowledge of Canon Law, or by their auxiliaries, it would have been easy for them to draw attention to these circumstances and so to secure a corresponding formulation. But Trautmannsdorf was confronted by a *fait accompli*. He also made the mistake of presenting himself as the spokesman of all the chapters mentioned in the German concordats, although he was not in possession of legally valid credentials even from the chapter of Salzburg. When on 8 March he was asked for his credentials he felt embarrassed and eventually had to depart without an answer to his question. As a result of his report, representatives of the chapters of Salzburg, Freising, Ratisbon, Passau and Brixen met at Freising on 18 April when they decided to lay their grievances before the Council in due form through two proctors, Trautmannsdorf and Dr Conrad Arzt. However, the decision was not acted upon because in the meantime the Council had been translated to Bologna. But it is doubtful whether they would have been more successful than the representatives of the Spanish chapters who presented themselves at Trent in 1563. The tendency of the time to restore orderly conditions by reviving and strengthening the authority of the bishops was irresistible. The decrees of Sessions VI and VII were a first if modest beginning.

¹ The antecedents of the appearance at Trent of Trautmannsdorf, Canon of Salzburg, are given by K. Ried in "Deutsche Domkapitel gegen die tridentinische Reform", *Frigisinga*, III (1926), pp. 203-16, on the basis of the protocols of the chapter of Salzburg and material from the archives of Munich and Nuremberg. The memorial submitted on 7 March, in *C.T.*, VOL. V, p. 1009 f.; cf. also VOL. I, p. 623. According to Severoli, *C.T.*, VOL. I, p. 137, l. 33, the Council refused to consider the question because Trautmannsdorf and his companion claimed to represent all the chapters. How very little importance the legates attached to the whole affair appears from the fact that their reports to Rome do not breathe a word about it.

CHAPTER X

The Nature and Septenary Number of the Sacraments. Baptism and Confirmation (*Sessio VII*)

FOR a period of six months the Council had been almost exclusively occupied with dogma, but after *Sessio VI* its main activities were chiefly concerned with reform. The voting on the decree of episcopal residence of 13 January 1547 convinced the legates of the necessity of paying closer attention to Church reform if they wished to escape the suspicion that they deliberately sought to by-pass it. The programme originally agreed upon by the Council, namely the parallel discussion of dogma and reform, naturally remained in force, hence in accordance with the inner logic of the system as well as with the decision of the leaders of the Council, the next subject for the dogmatic discussions—the doctrine of the sacraments—had been fixed long ago. In the decree on original sin (*Sessio V*, cap. 3-5), as in that on justification (*Sessio VI*, cap. 6 and 14), the intimate connection between dogma and reform was suggested.

Cardinal Cervini, far-sighted as he was, had long ago made his preparations for the forthcoming debate on the sacraments. By his order the general of the Augustinians, Seripando, and the Jesuits Lainez and Salmeron, and probably some other theologians on whom he felt he could rely, had extracted from the reformers' writings and professions of faith, a number of propositions which conflicted with Catholic sacramental teaching and about which the teaching authority of the Catholic Church was bound to define its attitude. The thirty-five errors about the sacraments in general which were read out in the general congregation of 17 January (14 in number, hereafter designated by the letter A); about baptism (17, hereafter designated by the letter B); about confirmation (4, designated by the letter C), were for the most part accompanied by an indication of their sources. They had been extracted, though not in every case textually, from Luther's book *De captivitate babylonica*, from his *Disputations* and a number of his other writings; from the *Confessio Augustana* and its defence; from

Melanchthon's *Loci communes* and the so-called "Cologne Reformation" that is, a reform tract by the Archbishop of Cologne, Hermann von Wied, but mainly composed by Bucer. However, among the authors there also appeared the names of Nicholas Amsdorf (B 13) and Erasmus (B 15). Six propositions (A 2, 5, 14; B 3, 16, 17) are without indication of their sources; three others (A 10; B 6, 14) were vaguely described as doctrines of the Anabaptists.¹

It was no accident that in the indications of sources Luther's *De captivitate babilonica* and the *Disputations* of the critical year 1520 recur so frequently, for in that year Luther had openly and finally thrown overboard the concept of the sacraments as elaborated by the early scholastics, and as a consequence, their septenary number which had been stabilised since about the year 1150. From now onwards a sacrament was for him a sign instituted by God and connected with a promise of grace, but which only became efficacious through faith in the

¹ In the list of *Errores haereticorum circa sacramenta in genere, circa sacramentum baptismi, circa sacramentum confirmationis*, C.T., VOL. V, pp. 835-9, which was submitted to the conciliar theologians on 17 January 1547, textual, or at least nearly textual, extracts from the writings of the reformers, with an indication of the sources, were for the first time made the basis of the discussions. In what follows we designate the three series of theses by A 1-14; B 1-17; C 1-4. Ehses has endeavoured to verify the quotations from the Wittenberg and Jena editions of Luther's works but there is no doubt that in this respect much remains to be done in the light of the Weimar edition and other modern means of research. Nor has anyone studied the extent to which Catholic controversial theology should be regarded as a transmitter of the theses. C.T., VOL. V, p. 837, l. 11, mentions the *Miscellanea* of Cochlaeus (Spahn, *Schriften-Verzeichnis*, no. 163) and in C.T., VOL. V, p. 963, l. 49, Seripando refers to the 21 theses against the Anabaptists by the same writer (Spahn, *ibid.*, no. 97).—On the preparatory work which Cervini pushed on "per più vie", C.T., VOL. X, p. 793, l. 11, all we know are the theses in Seripando's literary remains which Ehses noted in the apparatus of the *Errores*. From a letter of Claude Lejay to St Ignatius, 30 January 1547, we learn that the two Jesuits Lainez and Salmeron were also consulted, *M.H.S. J. Epp. Jaji* 333. It is remarkable that the theses A 2, 5, 14; B 3, 16, 17, given without indication of their sources, are missing in Seripando. Is he then the author of the rest? Against an affirmative answer there is the fact, (1) that Seripando shortens the theses; (2) that in his vote he says of a quotation from the *Confessio Augustana* that it is "perhaps" (*forte*) taken from Article 5, C.T., VOL. V, p. 962, l. 26.—For an orientation in Luther's sacramental teaching see R. Seeberg, *Lehrbuch der Dogmengeschichte* VOL. IV, PT 1, e fifth edn. (Basle 1953), pp. 386-96; F. Loofs, *Leitfaden zum Studium der Dogmengeschichte* (Halle 1906), pp. 752 ff.; A. Wagner, "Reformatorum saec. XVI de necessitate baptismi doctrina", *Divus Thomas Placentinus*, XLV (1942), pp. 157-85. W. F. Dankbaar, *De sacramentsleer van Calvijn* (Amsterdam 1941), I was unable to see, but it is of no importance for *Sessio VII* since Calvin is not mentioned at all in the *Errores* and is only once referred to in the debate by the general of the Servites, Bonuccio, C.T., VOL. V, p. 967, l. 28. On the other hand W. Jetter, *Die Taufe beim jungen Luther, Eine Untersuchung über das Werden der reformatorischen Sakraments- und Taufanschauung* (Tübingen 1954) is important, though in his exposition of medieval sacramental teaching (pp. 1-135) the author has not sufficiently taken note of the fact that in the teaching on *gratia increata* scholastic theology has not wholly ignored the personal reference.

promise, the effect being the forgiveness of sin and reconciliation with God. All their virtue, he said at this time when speaking of the sacraments, resides in faith, not in the performance of the rite; they are operative not because they are carried out but solely because they are believed in. The logical consequence of this doctrine would be that ultimately the word of God accepted by faith would be the only "sacrament". However, in obedience to God's word as contained in Scripture, Luther upheld the necessity for salvation of baptism and the Lord's Supper, in fact, for the time being, even that of Penance, but he denied from the first any sacramental character to Confirmation, Extreme Unction, Holy Order and Matrimony. His conception of the sacraments made it difficult for him to furnish proof of the theological possibility of infant baptism, yet he defended its necessity against the Anabaptists. With undeniable spiritual penetration he conceived reconciliation (with God) as a return to the faith of baptism, the sacrament of baptism as a "perpetual sacrament", and the Christian life as a "daily baptism". Although it cannot be denied that in his later years his thought was more sacramental than in the earlier ones, and although in the *Confessio Augustana* word and sacrament were placed on the same level, the original Lutheran conception of a sacrament as a sign requiring faith and operative through faith, was never abandoned. From this point of view Luther's position could be understood—it also provided the Council with its task.

It was a decidedly lighter task than the formulation of the decree on justification. The faith of the medieval Church, that God bestows his grace through the sacraments administered by the Church, was a living, unbroken faith. The scholastics had built up an extraordinarily differentiated sacramental theology. Besides earlier, partial decisions by the Church, the *Decretum pro Armenis* promulgated by the Council of Florence on 22 November 1439, supplied a comprehensive pronouncement by the ecclesiastical authority on all the seven sacraments. The reaction of Catholic controversial theology to Luther's sacramental teaching had been so swift and unhesitating that by itself alone it testifies to the existence of a firm sacramental consciousness. Henry VIII's *Defence of the seven sacraments* was the first of a long series of ripostes to Luther's attacks on the sacraments of the Church.¹ The

¹ The literature on the development of scholastic sacramental teaching is so vast that a few references must suffice. The year 1150 as the date from which the septenary number was universally taught has been demonstrated by B. Geyer, "Die Siebenzahl der Sakramente in ihrer historischen Entwicklung", *Theologie und Glaube*, XIX (1918), pp. 325-48. The opinions of the early scholastics on most of the questions discussed

Council was, therefore, on firmer ground when it defined its attitude to the sacramental teaching of the reformers, but—and this must not be lost sight of—it was also hampered by the doctrinal divergences, precisely in this sphere, between the great schools of theology. If anywhere, it was in connection with the sacraments that the problem of the relation of the Council to scholastic theology presented itself with particular acuteness.

at Trent in A. M. Landgraf, *Dogmengeschichte der Frühscholastik*, VOL. III, PT I (Ratisbon 1954), pp. 19-108 (economy of grace in the O.T. and Circumcision); pp. 119 ff. (intention of the minister); pp. 145 ff. (origin of the notion "opus operatum"); D. van den Ende, "Les définitions de sacrement pendant la première période de la théologie scholastique", *Antonianum*, XXIV (1949), pp. 183-228, 439-88; XXV (1950), pp. 3-78. An excellent cross-section of the sacramental teaching of the Dominican school in general—after St Thomas—is given by L. Hödl, *Die Grundfragen der Sakramentenlehre nach Hervéus Natalis O.P.* (Munich 1956), pp. 52-96 (causality of the sacraments), pp. 96 ff. (the minister's intention), pp. 180-229 (sacramental character); for the latter theme F. Brommer, *Die Lehre vom sakramentalen Charakter in der Scholastik bis Thomas von Aquin inclusive* (Paderborn 1908), remains important; J. Kürzinger, "Zur Deutung der Johannaufnahme in der mittelalterlichen Theologie", *Festschrift Martin Grabmann* (Münster 1935), pp. 954-73.—Out of the vast literature on the teaching of the theological schools on the efficacy of the sacraments I only mention: M. Gierens, "Zur Lehre des hl. Thomas über die Kausalität der Sakramente", *Scholastik*, IX (1934), pp. 321-45; H. D. Simonin-G. Meerseman, *De sacramentorum efficientia apud theologos Ord. Praed.* (Rome 1936); W. Lampen, *De causalitate sacramentorum iuxta scholam Franciscanam* (Bonn 1931).—The classification of the theses of Wyclif and Hus, which were condemned at Constance, and to which reference was frequently made in the course of the debate, is most easily found in Denzinger, no. 661; the *Decretum pro Armenis* of 22 November 1439, also frequently referred to, Denzinger nos. 695-702.

The only general account of the origin of the canons on the sacraments is in F. Cavallera, "Le décret du Concile de Trente sur les sacrements en général", *Bulletin, de Littérature eccl.*, VI (1914), pp. 361-77, 401-25; VII (1915), pp. 17-33, 66-88; IX (1918), pp. 161-81. The origin is also treated in detail by A. Michel, *Les décrets du Concile de Trente*, pp. 166-236, and in the article "Sacraments" of *D.Th.C.*, VOL. XIV, PT I (1939), pp. 485-644, especially pp. 596 ff., and by H. Lennerz, *De sacramentis novae legis* (Rome 1939). Theologians have given much attention to the speculative question of the causality of the sacraments which, as our text shows, the Council refused to decide. M. Oltra, "Die Frage der physischen oder moralischen Wirksamkeit der Sakramente zur Zeit des Konzils von Trient", *Wissenschaft und Weisheit*, IV (1937), pp. 54-61 (inadequate); D. Iturrioz, "La definición del Concilio de Trento sobre la causalidad de los sacramentos", *Estudios eclesiásticos*, XXIV (1950), pp. 291-340, judges, in my opinion rightly, that can. 8 does not decide the question in a Thomistic sense; this paper, enlarged and published in book form (Madrid 1951) I was unfortunately not able to examine. M. Alonso, "Teoría sobre la causalidad instrumental en los profesores dominicos de la Universidad Salamantina", *Archivo teol. Granadino*, IV (1941), pp. 23-41, discusses Francisco de Vitoria, Domingo Soto, Melchior Cano, and others; for the latter see R. González, "La doctrina de M. Cano en su 'Relectio de sacramentis' y la definición del Tridentino sobre la causalidad de los sacramentos", *Revista española de Teol.*, V (1945), pp. 477-96; M. H. Laurent, "La causalité sacramentaire d'après le Commentaire de Cajétan sur les sentences", *Revue de science phil. et théol.*, XX (1931), pp. 77-82; A. F. Feliziani, "La causalità dei sacramenti in Domenico Soto", *Angelicum*, XVI (1939), pp. 50-8, 148-94. Valuable for an understanding of the discussions are the following: G. Rambaldi, *L'oggetto dell' intenzione sacramentale nei Teologi dei secoli*

It was considerations such as these that undoubtedly prompted Cervini to depart from the method hitherto followed in the treatment of dogmatic subjects by commissioning the conciliar theologians to draw the line of demarcation between Catholic and Protestant doctrine by means of a selection of theses from the reformers' teaching. It may be regarded as certain that he did not at first think of supplementing the canons that would have to be formulated with doctrinal chapters, as was done in the decree on justification. The description of the thirty-five theses as "errors" was a provisional one, as appears from the questions which he submitted to the theologians at the same time, namely: (1) Which of the propositions submitted are heretical and which are merely erroneous? (2) Are there any among them that need not be condemned? and if the answer is in the affirmative, on what evidence (*testimonia*) and by what reasons (*rationes*) are they supported? (3) Which propositions have already been condemned by earlier Councils or by the Fathers of the Church? (4) Is the list exhaustive? To these four questions the legates added a particularly opportune warning, to the effect that they should put on one side such differences as divide theological schools, "on which divergent opinions may be held without detriment to the faith", and "make use of a clear terminology". The admonition betrays Cervini's anxiety to forestall disputes between schools and to restrict as much as possible the use of the apparatus of scholastic concepts.¹

XVI e XVII (Rome 1944); M. de Baets, "Quelle question le Concile de Trente a entendu trancher touchant l'institution des sacrements par le Christ?" *Revue Thomiste*, xiv (1906), pp. 31-47. P. Hörger, "Concilii Tridentini de necessitate baptismi doctrina in decreto de iustificatione", *Antonianum*, xvii (1942), pp. 193-222, 269-302, treats of the necessity of baptism, or the desire of baptism, in the discussions on justification but is important for an understanding of the canons on baptism. On Confirmation: W. Koch, "Die Anfänge der Firmung im Lichte der Trienter Konzilsverhandlungen", *T.Q.*, xciv (1912), pp. 428-52; A. Mostaza, "El ministro extraordinario de la confirmación en Trento", *Revista española de Teol.* II (1942), pp. 471-519.

¹ In Massarelli's list of theologians who spoke in the course of the nine congregations of theologians, 20 to 29 January, *C.T.*, vol. v, p. 862, the names of the Dominican Gaspar a Regibus (21 January) and the Carmelite Augustine of Siena (28 January) are missing. But many more theologians were then at Trent. On the 20th Massarelli gives their number as more than fifty, vol. v, p. 847, l. 35, and as fifty on the 25th, *ibid.* p. 856, l. 9. The number of speakers had not been restricted, at least not by the legates, since the termination of the theologians' congregation on the 29th, *ibid.*, p. 862, l. 17 is explained by the remark: "cum nemo alius loqui vellet." As regards the theologians of the mendicant Orders, the selection was probably made by the generals. In this way it came about that the three Hermits of St Augustine divided between themselves the three sets of questions they had to deal with, so that one spoke of the sacraments in general, another of Baptism and the third of Confirmation. Among the Carmelites also there is a certain division of labour: Francis Vita only speaks of

It is impossible to ascertain to what extent the conciliar divines took these exhortations to heart, owing to the circumstance that for all the nine congregations of theologians, from 20 to 29 January, we have only Massarelli's meagre diary but not a single original vote, so that all we know is the bare skeleton, but not the body, of the discussions, that is, their theological content. No significant change had taken place in the composition of the staff of theologians since the debate on justification. With 28 speakers out of a total of 35 the five mendicant Orders retained an absolute majority, of which the two branches of the Franciscan Order furnished exactly one half. This fact must be borne in mind for a proper judgment on the theological climate of the negotiations and their ultimate result.

The theologians had no intention of adopting as their own the decision presupposed by the selection of the theses submitted to them. The two doctors of the Sorbonne, Richard of Le Mans and Jean du Conseil, were in the habit of proceeding with the utmost caution when censoring doctrinal opinions and of refraining from a light-hearted fulmination of anathemas. In the light of what was said above, it was to be expected that there was no difference of opinion with regard to the essential doctrines. No one questioned the septenary number of the sacraments (thesis A 1), but the claim that all of them were necessary (A 2) met with objections since no Christian is bound to receive every one of them—they were necessary "in the Church, but not for every individual Christian". The Portuguese Dominican Gaspar a Regibus was of opinion that "it was not part of the faith" that one sacrament was more valuable than another (A 3). On the other hand there was complete unanimity in the answer to the central question, namely whether the sacraments were efficacious signs, that is, signs that effect grace. Some faint traces of the Scotist theory of the moral efficacy of the sacraments could be felt in the answers of a few Franciscan theologians (Vitriarius, Sebastianus a Castello), but none whatever in the

Baptism, *C.T.*, vol. v, p. 859, Augustine of Siena only of Confirmation, *ibid.*, p. 860. The four questions, *ibid.*, p. 844, put to them by the legates obliged the theologians to attach a theological qualification to the propositions set before them, or as the case might be, to complete them, a proceeding that eased the drawing up of the protocols by Massarelli, *ibid.*, pp. 845-62. But the questions also tempted him to suppress the real theological explanations and proofs (let alone the actual references to sources), with the result that we are extraordinarily badly informed about the theological content of these congregations, especially as up to the present not a single original vote has been discovered. How meagre Massarelli's protocols are from the point of view of theology becomes apparent by comparing the vote of the Bishop of Fiesole in *C.T.*, vol. v, pp. 908 ff. with the protocol, *ibid.*, p. 907.

thesis of the relation between faith and sacrament (A 4); but it was otherwise in the question of the necessity of the sacraments (A 3). The Portuguese Georgius a S. Jacobo, an adherent of the Dominican school, expressed a wish that in a supplementary thesis the causality of the sacraments should be defined in the sense of his school (*effectus . . . a Deo efficiente*). Nevertheless Antonio Solis, a secular priest and as such independent of the schools of the religious Orders, was fully justified when on 27 January he declared that: "All theologians are agreed that the sacraments convey (*conferunt*) grace when they are carried out, opinions only differ on the manner in which they produce this effect. Both views—that is, the physical and the moral causality—are supported by a number of theologians, hence neither of the two conceptions can be condemned and they must be content with rejecting the article (A 4) in the form in which it was presented."

Some uncertainty can be felt with regard to the thesis concerning the sacramental character (A 9). That the sacraments of Baptism, Confirmation and Holy Order imprint a character upon the soul, thereby rendering their repetition impossible, is not called in question; on the other hand opinions differ as to whether this is a dogma of the faith or merely a well-founded theological opinion, as Hieronymus ab Oleastro thought. The divergence is particularly noticeable in respect of the nature of the character. The votes of the theologians clearly reflect an as yet incomplete theological perception. A slight hesitation is likewise perceptible on the question whether the minister's intention affects the validity of the sacrament (A 13). In the early period of scholasticism Robert Pullen and his contemporary, Peter Lombard, whose *Sentences* still formed the groundwork of theological teaching everywhere, had taught that the external intention to perform the rite and its actual execution were sufficient, in fact it had been seriously argued whether baptism administered for a joke was valid. Now Luther maintained that the minister's intention was immaterial. These earlier opinions continued to influence not a few conciliar theologians, though the majority were inclined to demand from the minister a definite intention to do what the Church does—that is to perform the sacred rite in accordance with the mind of the Church.

A similar picture appeared also in their pronouncements about the sacraments of Baptism and Confirmation: unanimity on points where a line of demarcation between Catholic dogma and Protestant teaching was imperative, but differences in the theological explanations and statements. No one contested the fact that "the Catholic and Roman

Church possesses true baptism" (B 1); that baptism is necessary for salvation (B 2); that baptism by heretics is valid (B 3) and that a renewal of baptism must be rejected (B 6). Actually, all these questions, as well as the independence of the efficacy of the sacraments of the personal worthiness of the minister, had been cleared up since the days of St Augustine, or at least since the controversy about simoniacal ordinations in the early Middle Ages and, finally, since the condemnation of Wyclif and Hus. Only in regard to the thesis (B 4), scarcely intelligible when stated with such terseness, that baptism was penance, Andreas Navarra and others very properly observed that while in a certain sense baptism could be so described, it was not the sacrament of Penance. With regard to Confirmation, which the reformers disparaged by describing it as an "idle ceremony" (*otiosa ceremonia*, C 3, according to Melanchthon) the question of its institution—whether by Christ, the apostles, or the Church—around which there was still much controversy among scholastics, was hardly touched upon. Doubts were expressed whether the thesis (C 4): "Not only the bishop, but any priest is the minister of this sacrament", should be condemned when thus formulated, since according to Canon Law the Pope may empower simple priests to administer Confirmation.

The theologians' gravest objections were aimed at the three theses on the relation of the means of salvation provided by the Old Testament, for instance circumcision, to the sacraments of the New Testament (A 6), and that of the baptism of John to Christian baptism (B 9, 10). In his *Summa*, St Thomas taught that circumcision effected the remission of original sin and conferred grace, though not the ceremony as such, but if it was accompanied by faith in the future redemption by Christ. Many theologians closely assimilated John's baptism to Christian baptism because the repentance associated with it procured the remission of sin. In the Decree for the Armenians the difference between the means of salvation provided by the Old Testament and the sacraments of the New Testament had been clearly stated: "The former", it said, "did not cause grace, the latter contain and convey it." None the less, only a few theologians were prepared to condemn the three propositions in the form in which they were submitted to them. The majority were in favour of refraining from an authoritative pronouncement in this matter in view of the fluctuating state of opinion in the schools of scholastic theology.

Ample use was made of the possibility of proposing additional theses for condemnation. Some of the sixteen additional theses finally drawn

up by Massarelli were already comprised, or at least hinted at, in the thirty-five "errors", while others, such as the necessity of the use of water in baptism, were easily intercalated (additional thesis B 4 = can. 2 on baptism). A few of them, however, must detain us for a moment because they throw light on the theological situation. Richard of Le Mans had proposed the condemnation of the following thesis: "All the sacraments were not instituted by Christ" (additional thesis A 1). This formulation left room for the opinion of his brother in religion, Alexander of Hales, who taught that Confirmation was instituted by the Church. The consequence was that in the course of a subsequent general debate, the Jesuit Lejay and the Dominican Pelargus proposed a different formula, one which excluded the above deliberately chosen formula: "not all the sacraments are instituted by Christ". Lainez is the author of the additional proposition (A 3) "There is no sacrament which is not contained in Scripture", and Carranza of the thesis (A 2) "The sacraments are no more than signs and tokens of our profession of faith". The first additional thesis on Baptism was aimed at Cardinal Cajetan: "Children in their mother's womb may be saved by the invocation of the Trinity and a blessing". In his commentary on the *Summa* of St Thomas, the Cardinal had defended the opinion that if the life of an unborn child was imperilled, it was advisable to administer to it a kind of substitute for baptism while it was in its mother's womb; the invocation of the Holy Trinity joined to the intention of the parents might perhaps work the child's salvation.

The congregations of theologians from 20 to 29 January resulted in a classification of the errors discussed into four groups: (1) propositions unanimously condemned by the theologians. This group was by far the largest, twenty-four, and they were also the most important of all the errors submitted to them; (2) eight propositions which required a more accurate explanation, or, as the case might be, a new formulation. This group included chiefly propositions on which there was not as yet a uniform theological opinion; (3) three propositions which should be omitted, namely those on the relation of the sacraments to the Old Testament means of salvation; (4) sixteen additional theses.¹ In this

¹ The twelve general congregations on the sacraments from 8 to 21 February 1547 start from the *Summa sententiarum circa articulos de sacramentis in genere, de baptismo et de confirmatione*, C.T., VOL. v, pp. 862-8, in which the *Errores* submitted on 17 January are arranged in three groups, a fourth being formed by the proposed supplementary theses. This *Summa* was distributed to the prelates on 29 January, C.T., VOL. I, p. 608, l. 5, but on the 31st it was decided to postpone the general debate although Cervini still intended on the 26th to open it at once, VOL. x, p. 803, l. 21. The legates indicated

enlarged and theologically expressed form, the list of "errors" was handed to the prelates on 29 January as the basis for the forthcoming general debate. This debate, however, did not open in the following general congregation of 31 January. On a motion by Cervini it was put off for a whole week, to enable the Council to listen during the interval to the lectures of the conciliar theologians on the sacrament of the Eucharist. This was an unusual proceeding. It was prompted by the Italian custom of choosing the Lenten preachers from among the most outstanding theologians of the mendicant Orders, and in this year the Lenten sermons began on 23 February (Ash Wednesday). There was reason to fear that before long a considerable number of conciliar theologians would have to leave Trent. In order to assure the continuation of the dogmatic discussions it seemed advisable to hold the theologians' congregations on the next main article in the forenoon, before the opening of the general debate on the doctrine of the sacraments. The hours of the afternoon were taken up by the general congregations on the decree on residence (cf. CH. IX). The general debate on the above mentioned four groups of "errors about the sacraments in general and about Baptism and Confirmation", only opened on 8 February. It continued, in twelve general congregations, until 21 February. This debate only changed the picture we have formed as a result of the theologians' congregations in points of detail; what was new and important for the interpretation of conciliar decisions was the criticism of the method adopted by Cervini, namely the basing of the discussion on theses propounded by the reformers.

the reason for the postponement in their report of 1 February, *ibid.*, p. 805, l. 27; at that time they still hoped to be able to get the articles on the Eucharist completed in *Sessio VII*. In the twelve general congregations between 8 and 21 February (the 13th and 20th were Sundays) fifty-nine prelates gave their votes, that is on an average five a day. Since the congregations lasted four hours each, each vote must have occupied three-quarters of an hour. In view of so much space being allotted to each speaker Massarelli's protocols, VOL. V, pp. 895 ff., 903 ff., 907 f., 921-33, 935 f., 959 ff., are extraordinarily meagre. Only four original votes have been preserved, viz. those of the Bishops of Ascoli, VOL. V, pp. 904 f., and Fiesole, *ibid.*, pp. 908-12, which show the latter prelate, who was at times treated as an *enfant terrible*, to have been an able theologian; Seripando's vote, *ibid.*, pp. 962-7; the vote of the Carmelite general, *ibid.*, pp. 968 ff., was read in the latter's absence by Massarelli on 21 February. Seripando's vote is an extract from his comprehensive tractate, VOL. XII, pp. 747-60. On the baptism of John we have a tractate by the procurator-general of the Hermits of St Augustine, Christopher of Padua, probably composed at this time also, VOL. XII, pp. 760-3. The numbering of the articles in the votes is not uniform so that confusion is easy; thus for instance, the Archbishop of Aix, VOL. V, pp. 929 f., bases his vote on the *Errores* in their original form. The legates' reports refer only incidentally to the general congregations on the sacraments, VOL. X, pp. 817, l. 32; 818, l. 24; 822, l. 13; their main interest at the time was the negotiations for reform.

A number of Fathers of the Council had evidently misunderstood the classification of errors into four groups. They seemed to think that it was also intended to divide into categories the final condemnation of these errors, that is, to describe some as heretical, others as erroneous, others as scandalous, as was the practice, for instance, of the theological Faculty of Paris, and as the majority of theologians had suggested while the Bull *Exsurge* was being drawn up (cf. VOL. I, p. 174). This misunderstanding accounts for the proposal of the Archbishop of Sassari and the Bishops of Matera and Porto that all the errors should be branded with the three censures combined (*mixtim*) that is, that they should not be labelled individually. This course had been followed in the condemnation of Wyclif's teaching by the Council of Constance and in the Bull *Exsurge* against Luther.

This proposal met with determined opposition on the part of Bishop Archinto of Saluzzo. The consequence of a combined application of all three censures, he argued, would be that no one would know clearly which propositions were heretical and which were merely erroneous or scandalous. It would be much more appropriate to abandon the idea of condemning particular propositions and to provide instead a positive statement of the Church's teaching concerning the sacraments, on the model of the Decree for the Armenians, and to anathematise those who did not accept these doctrines. In Archinto's opinion, therefore, the Council should not lay down any canons by which Catholic doctrine would be marked off from Protestant teaching, but should content itself with doctrinal instruction. Coming from Archinto, this proposal need not surprise us. As recently as the year 1545, in his capacity of Vicar General of the diocese of Rome, he had published a tract entitled "On Faith and Sacraments" which provided in a somewhat meagre form all that it is necessary to know. This tract had been reprinted in the following year at Ingolstadt, on the initiative of Johann Cochlaeus. If the Council was prepared to content itself with "doctrine", Archinto's little book provided a blue-print.

It is of the utmost significance for a right understanding of the Tridentine dogmatic decision that the Council did not follow this course—an eminently practical one for the statement of the faith, but an extremely risky one for an accurate delimitation of Catholic doctrine from Protestant teaching—but kept to the practice of condemning individual propositions—that is to Cervini's method. "None of this kind of doctrine!" the Bishop of Astorga exclaimed, when he attacked Archinto's proposal on 15 February; "let the Council condemn

specific articles extracted from the writings of the Protestants, and with the indication of the names of their authors." The Bishop of Calahorra went even a step further: not only must the names of the authors be given, but their books must also be condemned by the Council. The Bishop of Clermont drew yet a further consequence: the Protestants must be summoned to the Council to account for their teaching.

However, a change such as this, which would have turned the Council into a tribunal, did not materialise, but the legates took the proposals of the two Spaniards, which were supported by several Italians (for instance by the Bishops of Bertinoro and Alife), so seriously, that they reported on them to Rome and asked for instructions. The Pope upheld the earlier policy, namely, a clear differentiation between the Catholic and Protestant doctrinal position, but there was to be no condemnation by name of Protestant authors.

Archinto's proposal that the Council should be content with a coherent exposition of Catholic teaching on the sacraments, met with no response, but his criticism of the classification of the censures proved effective. The Bishops of Calahorra and Clermont, and subsequently also Ambrosius Catharinus, spoke against the adoption of the method followed at Constance of imposing a graded but combined application of all three censures. Cervini did not advocate it because he had never meant to adopt it. This clinched the matter. It was decided that the Council would delimitate the Catholic doctrine of the sacraments from the Protestant by means of canons anathematising specific propositions which stated the contents of Protestant teaching, even if they were not formally found in their writings, and thereby reject them as contrary to the Catholic faith. It should be observed that at this time the anathema had not yet entirely lost its disciplinary character: it was still a formula of excommunication. For this reason it was all the more easy to refrain from a nominal condemnation of Protestant authors. The prelates and theologians of the Council, above all Cardinal Cervini, still entertained a somewhat wider conception of faith and heresy than that elaborated by modern theology. Hence the canons, with their appended anathemas, are not to be regarded, without more ado, as so many definitions *de fide divina*; what they do is to express the fact that a specific doctrine is in formal opposition to the faith proclaimed by the Church, so that whosoever maintains such a doctrine denies her teaching authority and thereby separates himself from her.¹

¹ In the course of the debate on the method which the Council intended to adopt in the condemnation of the sacramental doctrine of the reformers the votes of the Bishops

He who undertakes to delimitate the Church's teaching in this way is bound to do all in his power to give an accurate account of the opponent's teaching. There was a number of prelates who appreciated this, men such as the Bishop of Feltre, Claude Lejay, Bonuccio and Seripando, whose knowledge of Protestant teaching was derived from their acquaintance with Protestant literature. "If the opponents do not make a given statement, it may not be falsely ascribed to them", Seripando said in his vote of 19 February, a noteworthy one in many ways and the only one of the four prelates' votes of which we possess the text. "I agree with the theologians in the condemnation of the proposition (A 11): 'All Christians of both sexes have the same power in the administration of word and sacrament'; but I would only allow the words 'of both sexes' to stand, if it can be proved that they are found in the books of the heretics."

Another significant characteristic of the general attitude of the Council is that the concept of the sacrament as an efficacious sign, met with no opposition, even from prelates of the Franciscan school. On the other hand there were only a few among them who did not allow their opposition to the Lutheran conception of a sacrament to prevent them from stressing the necessity of faith, not only the habit of faith, but faith in the sacrament as effecting grace when received (thus the Bishops of Sinigaglia, Castellamare and Seripando). Seripando even

of Sassari and Porto were important, *C.T.*, VOL. v, pp. 896, 908, as was the contrary proposal by the Bishop of Saluzzo, *ibid.*, p. 925; details about the latter's book, *De fide et sacramentis* (1545) in Lauchert, *Die italienischen literar. Gegner Luthers*, pp. 467-74. The votes of the Bishops of Astorga and Calahorra, who caused the collapse of the plan for a "doctrina", *C.T.*, VOL. v, pp. 930 f.; however, De' Nobili had already demanded the condemnation "sine doctrina", *ibid.*, p. 903. The Bishop of Clermont and Ambrosius Catharinus spoke against the gradation of the censures, *ibid.*, pp. 932 f., but the *uno ictu* of the Bishops of Bosa and San Marco, *ibid.*, pp. 908, l. 1; 922, l. 19, must surely be understood in the same sense. To the legates' questions in Rome about mentioning names in the sentence of condemnation, VOL. x, pp. 818, l. 20; 833, l. 37, Farnese answered on 25 February in the negative: "Bastando, quanto allo effetto che si cerca per il concilio, che si sapesse la verita delle positioni catholice o heretiche", VOL. x, p. 827, l. 1. The efforts for an exact statement of Protestant teaching by the Bishop of Feltre, VOL. v, p. 903, l. 30; by Lejay, *ibid.*, p. 935, l. 29; by Seripando, *ibid.*, p. 962, l. 25; by Bonuccio, *ibid.*, p. 967, l. 25, later, on 1 March, also by the Bishop of Porto, *ibid.*, p. 988, l. 9. F. Fransen's view of the significance of the anathema at Trent, "Réflexions sur l'Anathème au Concile de Trente", *Ephem. theol. Lovan.*, XXIX (1953), pp. 657-72, is confirmed by a remark of Ambrosius Catharinus, *C.T.*, VOL. v, p. 933, l. 17: "Omnes articuli propositi damnandi sunt ut haeretici, quia cum sint contra usum Romanae Ecclesiae, ergo haeretici." In point of fact VOL. v, p. 986, l. 14 proves that the condemnation of the books of the Protestants was already contemplated. Pacheco felt that the legates wished it but shrank from the citation of the authors which, at that time, was regarded as necessary, their reason being that the document of citation would raise once more the question of the Council's seal and title, VOL. XI, p. 103, l. 38.

quotes the saying of St Augustine (*De doct. christ.* I, 18): "He who does not believe that his sins are forgiven, they are not forgiven him."

The septenary number of the sacraments was likewise excluded from the debate—it was already contained in the Decree for the Armenians. Even the additional clause "neither more nor less", the first part of which was not simply dictated by the condemnation of Luther, met with no opposition. It is remarkable that no allusion whatever was made to the historical formation of the septenary number. The Council contented itself with pointing to the analogies to be found in Scripture (Apoc. I, 16; v, 1; Exod. xxv, 3, etc.), but overlooked the fact that their number was not to be found in the decisions of the Councils nor in patristic literature, and that more than a thousand years had elapsed before the identity of the sacramental rites in use from the days of the early Church with the two chief sacraments, Baptism and Eucharist, was recognised. The Council simply stated the fact of the unanimous belief of the Church in the septenary number.

This attitude of mind is connected with another omission, a surprising one for the modern theologian, namely that the institution of the sacraments by Christ was not subjected to a thorough discussion, although in connection with the sacrament of Confirmation this question forced itself upon the attention and, as we have seen, had already occupied the scholastic theologians. The Council by-passed it and did not devote a special canon to it (thus the supplementary thesis A 1), but on a suggestion of the Bishop of Porto, ended by stating in the introductory canon on the septenary number of the sacraments, in the briefest formula imaginable, that "all the sacraments were instituted by Jesus Christ".

The same endeavour to keep clear of theological disputes appears in the Council's treatment of the supplementary thesis of the Jesuit Lainez who asked for a condemnation of the proposition that all the sacraments must be proved from Scripture. From the standpoint of *Sessio* IV, which had laid down the principle that Scripture and Tradition are equally authoritative sources of revelation, no objection could be raised against the motion: however, here there was also a question of fact to which more than one answer seemed possible. Seripando accordingly carried the day with his proposal that this article be passed over in silence "lest an impression be created that our seven sacraments have no foundation in Scripture".

On the other hand there was no escape from a discussion of the foundation in divine revelation of the sacramental character. Several

Fathers, for instance the general of the Conventuals and evidently also the general of the Carmelites, contested the possibility of a scriptural proof for it, while others affirmed it emphatically (the Bishop of Porto, Bonuccio) and disapproved of the notion of some conciliar theologians that the doctrine of the sacramental character was no more than a theological opinion, though a well-founded one. The plenary assembly of the Council recognised it as a doctrine of the faith—of course in the wider sense described above—but did not include in its decision the still fluctuating opinion of theologians concerning its nature. At the conclusion of the debate the general of the Carmelites Audet made the following statement, without a dissentient voice being heard: "There is general consent in the Catholic Church that the sacramental character is a spiritual sign indelibly imprinted upon the soul; in my opinion, those who delight in the discussion of controverted questions should be silenced."¹

The independence of the Fathers of the Council of the advisory body of its theologians was made particularly evident by their attitude to the three propositions of the third category, the omission of which had been recommended by the majority of the theologians. Basing themselves on the Decree for the Armenians, they decided that the theses on the baptism of John must be included in the condemnation. On the other hand only a fraction of the additional theses proposed by the theologians received consideration.

¹ It is impossible within the framework of a general historical presentation to touch even lightly on every individual theological problem, important though it may be. The following have been singled out: faith and sacrament on which the Bishops of Sinigaglia, *C.T.*, VOL. V, p. 903, l. 11, and Castellamare, *ibid.*, p. 924, l. 16, as well as Seripando, *ibid.*, p. 962, l. 12, gave their opinion. Bonuccio, *ibid.*, p. 967, l. 15, rejects the necessity of a special faith in each sacrament but we may take it for granted that, like the above-named, he too accepted the necessity of the Catholic faith in connection with all the sacraments and of faith in the forgiveness of sins in connection with particular sacraments, but of this Massarelli makes no mention. The Bishop of Pesaro as a matter of fact demanded a further clarification "de fide in sacramentis", VOL. V, p. 925, l. 2.—The Biblical analogies of the septenary number of the sacraments in the vote of the Bishop of Motula, *C.T.*, VOL. V, p. 922, l. 39; Seripando's observation on the scriptural proofs of the sacraments, *ibid.*, p. 963, l. 51.—The generals of the Conventuals and the Carmelites spoke *against* the possibility of scriptural proof for the sacramental character, *C.T.*, VOL. V, pp. 936, l. 35; 969, l. 28; *for* it the Bishop of Porto and Bonuccio, *ibid.*, pp. 921, l. 44; 967, l. 23. On this point the Council acted on De' Nobili's principle, *ibid.*, p. 903, l. 43: "De caractere debet distingui, et damnari, quod non sit character; sed quid sit, non damnandum, cum variae sint opiniones."—Cajetan's teaching about a substitute infant baptism was especially attacked by his old opponent Ambrosius Catharinus, *C.T.*, VOL. V, p. 933, l. 38; in his defence the Dominican general pointed out that the cardinal had expounded his view not *assertive* but *sub correctione*, *ibid.*, p. 960, l. 17. Seripando defended him, *ibid.*, p. 966, l. 18, with the very characteristic argument: "If we condemn Cajetan there follows that faith had greater power in the Old Testament than it has in the New."

We pass over a number of supplementary suggestions for the completion and improvement of the text, all of them interesting from the theological point of view, which were made in the course of the debate, in order to consider as briefly as possible two questions which force themselves upon the Church historian as he peruses the account of the conciliar deliberations. By the administration of the sacraments, together with the proclamation of the word of God, the Church carries out the charge laid upon her by Christ, the fulfilment of which is of the very essence of her life. If anywhere, it is in this sphere that doctrine and life must not be separated, for they constitute an indissoluble unity. Was Trent aware that behind the Protestant objections to the Church's sacramental teaching there lurked not only the new conception of the appropriation of salvation, but likewise opposition to the Church's sacramental practice? Were the Fathers aware of the difficulties created for that teaching by the historical development of the various forms used in their administration?¹

The answer to both questions must be in the negative. On 9 February, the Bishop of Sinigaglia had indeed demanded "greater care and reverence" in the administration of the sacraments, and on 12 February Lippomani, the coadjutor of Verona, had suggested that the Council should consider the suppression of "the numerous abuses that had crept into the administration of the sacraments", and before either of them the Servite Mazochi had complained, on 28 January, that neither parents nor godparents taught the truths of the faith to the rising generation. However, it is evident that an overwhelming majority of the members of the Council did not pay adequate attention to the connection between the ignorance of the faithful about the sacraments and the abuses in their administration on the one hand, and on the other hand the rejection of several sacraments by the Protestants and their new sacramental conception. Only at a later period, at Bologna, did the Council make up, at least partially, for this lack of a full appreciation of

¹ The connection between sacramental practice and sacramental teaching is at least hinted at by the Bishop of Sinigaglia, *C.T.*, vol. v, p. 903, l. 22; by Lippomani, *ibid.*, p. 925, l. 11; and in some way by Mazochi, *ibid.*, p. 860, l. 20. The Bishop of Corfu's mistake about the omission of Confirmation by the Greeks, *ibid.*, p. 935, l. 25; as for the priests in Pera who administered Confirmation on the ground of an alleged privilege of Martin V, they were surely followers of the Latin rite, *ibid.*, p. 932, l. 39. —In connection with the *Errores A 12* and *B 11* the question was repeatedly asked in the course of the debate what were the *ritus substantiales*, e.g., *ibid.*, p. 903, l. 16. Seripando surely gave a correct explanation of the expression "ritus" when he took it to mean not the "form" in the theological sense but the rite introduced by the Church, *ibid.*, p. 965, l. 34.

the problem. The thesis that arbitrary changes in the ritual of administration were permissible (Thesis A 12 and B 11 = can. A 13) was rejected, it is true, but the development of the form of administration, for instance in Confirmation, did not constitute a problem for the Council and the practice of the Greeks to allow Confirmation to be administered by the priest immediately after baptism was not seriously discussed. What an error of judgment, when one reflects that the Archbishop of Corfu stated that among the Greeks of his diocese Confirmation—and the Anointing of the Sick—were unknown! For all that, only a superficial observer would accuse the Council of reaching its decision with undue haste and without a thorough examination of its problems. When we judge that assembly we must always keep before our eyes the aim which both leaders and members had before them—none other, in fact, than that of delimitating the Catholic conception of the sacraments from the Protestant. It was not their aim to provide a full and exhaustive exposition of the whole of the Church's sacramental doctrine.

Between 21 and 26 January, Cervini formulated the canons in which the dogmatic definitions of the Council were to find their expression. In this task, for which he took into consideration the proposed alterations which Massarelli had tabulated on the basis of his protocol, he was assisted by his confidential advisers of whom Massarelli's diary mentions only two by name, Seripando and Bertano. In drawing up these canons, their authors were guided both by Seripando's principle that the Council's task was to define, not to explain, and by the warning of the Bishop of Feltre, not to pile up condemned propositions *ad infinitum*. The fifty-one theses submitted to the Council in the course of the general debate were reduced to thirty canons, while an appendix justified the omission of nine theses from all four categories. These canons were handed out to the Fathers on 26 February; their discussion occupied only two general congregations held in the morning and afternoon of 1 March.¹

¹ For the formulation of the 30 *canones de sacramentis* of 26 February, *C.T.*, VOL. v, pp. 984 ff. (13 on the sacraments in general, designated by us by A; 14 on Baptism, designated by B; and 3 on Confirmation, designated by C), the *Censurae Patrum*, *ibid.*, pp. 971 f. and Massarelli's notes on 21 and 26 February on his visits to Seripando and the Bishop of Fano, VOL. I, pp. 616, l. 36; 619, l. 36, are important. But there can be no doubt that others also collaborated and Cervini certainly took his share in the work. A comparison of VOL. v, p. 972, l. 15, with p. 985, l. 53, shows that the authors of the canons did not slavishly stick to Massarelli's *Censurae*. In the first passage we read: "Censuerunt omnes ut primus damnetur" (Thesis A 6); in the second the omission is justified by the circumstance that the majority had pronounced *against* a condemnation.—The debate on these canons occupied the two general congregations of 1 March, the first of which took place at 15 h = 9 a.m., the second at 21 h = 3 p.m.

In this debate a number of previously ventilated differences came to life once more. Pacheco complained that the question of Christ's baptism by John had not been adequately discussed, while the Archbishop of Clermont was opposed to the denial of the sacramental character being punished with anathema. But the bulk of the suggested alterations were only concerned with shades of meaning or with a more precise wording. They were studied by the theological committee on the next day and were finally either embodied in the decree, or rejected by the general congregation which followed immediately. Only two of these alterations must occupy us for a moment because they are important for the relation of the decree to scholastic theology as well as for its interpretation.

In can. A 6 the Archbishop of Palermo, supported by the Bishops of Bosa and Huesca, suggested that the expression "the sacraments confer grace on those who receive them worthily" (*rite et digne suscipientibus*) should be replaced by the usual scholastic term: "to him who puts no obstacle" (*non ponenti*, or, *ponentibus obicem*). These terms were already found in the Decree for the Armenians and in the original thesis A 4, but had been suppressed in the canons. They were now reinstated. On a motion of the Bishop of Bitonto a clause was inserted in can. A 8, that the sacraments produce their effect through the very performance of the rite (*ex opere operato*). In both instances the Council, for the purpose of clarifying the subject-matter, adopted the familiar scholastic terminology which had been eschewed in the original formulation of the canons. Can we conclude from these last-moment alterations that the Council had adopted a decisive attitude in the controversy about the causality of the sacraments?

It cannot be denied that the expression: *ex opere operato*, together with the words: *continent gratiam*, seem to favour the Thomastic theory of instrumental causality. But the following fact must also be taken into account: the suggestion of the general of the Conventuals, to replace *continere* by *significare*, was not acted upon, chiefly because *continere* was already found in the Decree for the Armenians. On the

and lasted until 1 h of the night = 7 p.m. The protocol is in VOL. V, pp. 986-91; Severoli disposes of it with the words: "Magis verba quam rem ipsam decreti tangentes", VOL. I, p. 136, l. 3, which is surely too summary. In this instance Pratanus is near the truth when he says of the Fathers of the Council: "canones summa diligentia et studio excusserunt", VOL. II, p. 393, l. 21.—The committee of theologians which examined the amendments, C.T., VOL. V, p. 991, met twice on 2 March, at 9 in the morning, at the house of Cervini, and at 2 in the afternoon in the hall of the congregations in the Palazzo Prati which made it possible to hold the general congregation immediately afterwards. This congregation approved the canons, *ibid.*, pp. 992 f.

other hand, the expression *opus operatum*, proposed by the Bishop of Bitonto, also a Franciscan, was embodied in the decree. The proposal of the Bishop of Feltre, to describe the sacraments as "instruments" of grace, fell through. But above all, the whole course of the debate proves that it was not the Council's intention to decide a well-known controversy of the schools. The Franciscans and their adherents, numerically more strongly represented than the Dominicans, did not feel that their pact-theory had been condemned, so long as they accepted the essential point of the decree—which was directed against the reformers—that is, the concept of the sacraments as an operating and effective sign. But on this point they were perfectly at one with the opposite school. For the Dominicans it was matter for satisfaction that at the request of the Bishop of Fano, the opinion of their former general Cajetan on a substitute infant baptism, was definitely put aside, though for the obviously threadbare reason that it had nothing to do with baptism. Thus it came about that the only canon not stemming from Reformation sources, was the anti-Erasmian can. A 14 which was aimed at the freedom of choice claimed for the baptised adolescent. It was condemned in the form suggested by Seripando because it seemed to favour the Anabaptists.

For a right understanding of the aim and meaning of the canons on the sacraments in general, and on Baptism and Confirmation, which were submitted to the Council in their definitive formulation on 2 March,¹ we must compare them with the Decree for the Armenians of

¹ It is not the purpose of a comparison between the thirty canons on the sacraments and the Decree for the Armenians to plumb their dogmatic depth from every side; this I must leave to the specialists. Its sole aim is to underline once more the result of the previous presentation, which is that the deliberate purpose of these canons is to draw a line of demarcation between the Catholic belief and the Reformation and that the omission of doctrinal chapters—the "doctrina"—is conditioned by this aim. Abbot Luciano considerably overshoots the mark when in his report to the Duke of Florence, *C.T.*, VOL. X., p. 881, he criticises the decree for following "in tutto" the Council of Florence; "confutare" and "nominare le ragioni" was not the Council's task but the theologians'. When he finally asserts: "niuno vole o non ardisse (!) di addurre nè recitar le ragioni de li adversarii", the answer is that the story of the formulation of precisely this decree shows that so general an assertion is beside the point. One of the chroniclers of *Sessio VII*, Pratanus, thought that this self-imposed restraint by the Council went too far when he wrote, VOL. II, p. 392, l. 32: "nudi canones . . . excussi et promulgati sunt sine ullis canonum praemissis expositionibus." Again, in my opinion, there can be no reasonable doubt that the Council was unwilling to take up a definite attitude in regard to the theological schools' theories concerning the causality of the sacraments, hence Reinhold Seeberg's opinion (*Lehrbuch der Dogmengeschichte*, VOL. IV, PT II, p. 783, n. 1) that the road of the Scotist theory was blocked, cannot be maintained. Schottenloher, no. 43209 f., notes two printed editions of the canons on the sacraments, together with the decree on justification, one at Cologne (Melchior Novesianus) and another at Ingolstadt (Weissenhorn).

the year 1439, not only because that decree was the latest and most comprehensive pronouncement by the supreme *magisterium* on sacramental doctrine, but also in view of the above-mentioned debate on Cervini's new method. The Decree for the Armenians is described as "a very brief formula" (*brevissima formula*) of the Catholic teaching on the sacraments, whereas the Tridentine decree consists exclusively of canons. The former expounds, the latter delimitates, but on the two decisive points of sacramental teaching in general, namely the septenary number and the sacramental concept, there is an essential agreement between the two documents. The introductory canon makes two additions when it says that there are seven sacraments—neither more nor less—and that they were instituted by Christ Himself. The two expressions—decisive for the Tridentine conception of an efficacious sign—namely that the sacraments both contain and convey grace, are already found in the Decree for the Armenians, but here the concept is marked off from the Lutheran sacramental concept and the *sola fide* doctrine by means of several canons. The purpose of the sacraments is not merely to foster faith (*propter solam fidem nutriendam*, can. A 5), nor are they nothing more than external signs of grace or justice received through faith, or distinguishing marks of believers (can. A 6): on the contrary, they contain the grace to which they point and convey it to those who put no obstacle in its way, and this always and on all (can. A 7). They produce their effect through the carrying out of the rite (*ex opere operato*) and not solely through faith in the divine promise (can. 8). Much more cautiously than the Decree for the Armenians, can. A 2 declares that the difference between the sacraments of the New Testament and the means of salvation available in the Old, is not one of ritual only. The sacraments are not all of equal value (can. A 3); they are necessary for salvation, though not all of them for every individual; hence it is impossible without them, or a desire for them, to be justified before God by faith alone (can. A 4). The sacramental character which is imprinted upon the soul by Baptism, Confirmation and Holy Order is described—in accordance with the Decree for the Armenians—as "a spiritual, indestructible sign", though its essential nature is not defined (can. A 9). The last four canons on sacramental doctrine in general, are concerned with the minister and the administration of the sacraments. Can. A 10 is aimed, in the most general terms, at the rejection of a consecrated priesthood: "Not all Christians are ministers of the sacraments." The minister's intention is not immaterial; he must have the intention of doing what the Church does (can. A 11). The

sacrament is realised even if the minister is not in a state of grace, so long as he carries out all the essential rites and pronounces the words required for the sacrament. Finally the teaching that the sacramental rites approved by the Catholic Church may be freely omitted, replaced by others, or scorned, is condemned as heretical (can. A 13).

With regard to baptism, the Decree for the Armenians had recognised as valid the somewhat divergent Greek formula of that sacrament and declared that lay persons, even pagans and heretics, could administer a valid baptism. It had also forbidden the imposition of a penance for sins committed previous to baptism. The fourteen Tridentine canons on baptism borrow scarcely anything from that decree, because their position is quite different—they are arrayed against the teaching of the reformers; they are opposed to Luther's assertion that the true meaning of baptism had been misunderstood and obscured by the Roman Church (can. B 3). On the basis of the decree on justification, can. B 6-10 reject the Lutheran notion of the efficacy of the *perpetuum sacramentum*, namely the notion that the baptismal grace cannot be lost, that sins committed after baptism are remitted by the renewal of the faith of one's baptism. They insist that at baptism we assume not only the obligation to believe, but also that of keeping God's commandments and of fulfilling the whole law of Christ. Another group of canons (11-13) is aimed at the Anabaptists whom Luther had likewise fought. They are followed by the above-mentioned anti-Erasman can. 14. The remaining canons embody traditional doctrines which it was necessary to enforce once more, for instance, can. 2 on the necessity of using water for baptism; can. 4 on the validity of baptism by heretics; can. 5 on the necessity of this sacrament for salvation.

With regard to Confirmation, the Decree for the Armenians laid down the form of its administration and declared the bishop to be its "ordinary minister". Since Luther had decried the sacramental nature of Confirmation, the Council found itself obliged to affirm in can. C 1 that it is "a true and genuine sacrament", not "an idle ceremony", nor, on account of its origin, a kind of profession of faith by adolescents. This canon combines the original theses C 1-3. The second canon was drawn from the additional theses; it condemned the assertion that it was doing an injury to the Holy Spirit to ascribe an effective virtue (*aliquam virtutem*) to the chrism used in Confirmation. The stipulation in the third canon, that the bishop is the ordinary minister of Confirmation,

was taken from the Decree for the Armenians; the additional clause "not any priest" allowed for exceptions to this rule.

No less instructive than the agreements and alterations, which a comparison of the Tridentine canons with the Decree for the Armenians brings to light, are the omissions. The Decree for the Armenians divided the seven sacraments into five individual and two community sacraments (Holy Order and Matrimony), and gave a brief description of the function of each sacrament in the life of the Church as a whole. The Tridentine canons dispense with such a widening of the field of vision. This deficiency, which we in our time may regret, is explained by what we now know to have been the Council's aim, namely not to explain in detail each particular doctrine, but to delimitate it. The canons on the sacraments cried aloud for integration in the inner life and the hierarchical structure of the Church. Within this context the septenary number of the sacraments and their objectivity would have been much more easily understood and the breadth and depth of the sacramental cosmos would have been revealed. We may regret the Council's reserve all the more as the golden age of scholasticism provided the elements for such considerations which, to give an example, were likewise suggested in the vote of the Bishop of Fiesole. In the end, however, it was no doubt an act of self-restraint when the Council restricted itself to meeting the need of the moment, that is, the delimitation of Catholic doctrine, content to leave its systematic development to the theologians of the future.

Another omission in the Tridentine decree is the scholastic distinction between the three elements of the sacrament which were to be found in the Decree for the Armenians—matter, form, minister. This restraint is likewise accounted for by the resolution which had been adopted from the beginning to forego any technical exposition of the doctrine of the sacraments as a whole; it may be explained, in particular, by the reluctance of the principle leader of the Council's labours, Cardinal Cervini, to embody in the dogmatic decisions more scholastic concepts than were absolutely indispensable. The canons rested on the theological foundations laid by scholasticism, but in themselves they were not scholasticism but definitions of things that must be believed; and this is what they were meant to be.

The conclusion of the debate on the sacraments in *Sessio VII* held on 3 March 1547, like its entire course, lacked the exciting moments which we witnessed in the formation period of most of the earlier decrees. The attendance at the Council, which during the debate

sometimes scarcely amounted to fifty prelates, rose again to nearly sixty-four, not counting the two German proctors and the seven superiors of Orders (two abbots and five generals of Orders) who took part in the Session.¹ Several bishops who after *Sessio* VI had returned to their dioceses or gone to Venice, without formal leave of the legates but with their silent consent, had returned to Trent in the last days of February, though only after the Curia, at the instigation of the legates, had brought pressure to bear on them, either directly or through the nuncio in Venice. They were the Bishops of Piacenza and Vercelli, Treviso and Narni, the Archbishop of Spalato and the Bishops of Torcelli and Salpi. The Bishop of Fano, who had left Trent in mid-January to stay with Cardinal Gonzaga at Mantua, was commissioned at this very time to promote the marriage of Vittoria Farnese, Alessandro's sister, with the recently widowed Duke of Urbino. He returned to Trent in time to put the finishing touches to the canons on the sacraments. "Un bel choro di prelati" (a splendid company of prelates) was assembled, to quote the terms in which the legates expressed their satisfaction in a letter to Giovanni della Casa.

¹ Number of those present at the Council from January to March 1547: on 22 January the legates report that a number of prelates had asked for permission to leave, but that they had refused; then they add, *C.T.*, VOL. x, p. 798, l. 18: "chiudemo gli occhi che alcuni, quali mostrano gran necessita di partirsi, possino havere habilita per 20 o 25 giorni." Those who left hoped to get in Rome the formal permission refused them at Trent. The legates accordingly insisted that they needed the greatest possible number of adherents not only in the Session but likewise in the previous discussions, *ibid.*, p. 804, l. 8. Pacheco estimated the number of those who had left as between 10 and 12, VOL. xi, p. 97, l. 8. Farnese accordingly instructed the nuncio in Venice to get those who resided at Venice and at Padua to return to Trent and included in his letter blank forms for the use of the nuncio, VOL. x, p. 807, n. 5. On 12 February Giovanni della Casa reported that he had forwarded the warning letters; that the Bishops of Spalato and Torcelli would be at the Session; Salpi would gladly return but was so poor that "non ha da viver in verita". He had not pressed the Bishop of Chioggia because "non mi pare che sia ben visto la a Trento", Bibl. Ricci I, fol. 316^r or. A month later the nuncio reports that the relatives of the Bishop of Torcelli had begged him to allow the latter to leave Trent because otherwise he would surely fall sick once more.—The Bishop of Fano's journey to Mantua, *C.T.*, VOL. x, pp. 801, l. 28; 806, l. 31. Soon after his return Cervini, on instructions from Farnese, discussed with him the project of the marriage of Vittoria Farnese with the Duke of Urbino, *ibid.*, p. 824.—At the Session the legates, *C.T.*, VOL. x, p. 832, l. 2, counted 70 votes in all, that is, votes cast; in this they agree with Massarelli, *C.T.*, VOL. I, p. 611, l. 17, and the acts, VOL. v, pp. 1005 f., but differ from him as to the number of bishops (51 instead of 52, as the acts show); Severoli even numbers 53 bishops, *C.T.*, VOL. I, pp. 136 f.; so does Pacheco, VOL. xi, p. 109, l. 27. However, the latter is inaccurate in another respect also for he counts 10 archbishops (instead of 9) and 4 (instead of 5) generals of Orders. Of the bishops who had taken part in *Sessio* VI those of Capaccio and San Marco were absent through illness, but there were seven new arrivals, viz. the Bishops of Piacenza, Tivoli, Alba, Vercelli, Treviso, Caorli and Narni.

The course of the *Sessio*¹ was in accordance with the customary liturgical ritual. The Mass of the Holy Ghost was sung by the Venetian Jacobus Caucus (Coco), Archbishop of Corfu.² The sermon had to be omitted because the preacher, Bishop Martirano of San Marco, was suffering from a sore throat. For the gospel of the Mass the pericope recounting Nicodemus's interview with Our Lord had been chosen, no doubt in view of the canons on baptism in which John III, 5, is quoted. Tommaso Stella, Bishop of Salpi, read the two decrees on the sacraments

¹ The acts of *Sessio* VII of 3 March 1547 (including the sermon of the Bishop of San Marco which was not delivered) in *C.T.*, VOL. V, pp. 994-1007; Severoli's *Diarium*, *C.T.*, VOL. I, pp. 136, f. Change of tone in the sermon of the Bishop of San Marco, VOL. V, p. 1001, l. 31; on 3 March Archinto for his part writes that the affairs of the Council were "per gratia de Dio reducte nel meglor termine che sia possibile a desiderare", VOL. X, p. 832, n. 4. The legates' report of 3 March is pitched in the same optimistic key, *ibid.*, pp. 832 f. The absence of the French envoys does not worry them since the French bishops, except the Archbishop of Aix who was sick, had been present. For all that Pacheco's report, VOL. XI, p. 109, l. 25, shows that they were actually concerned about it ("muestran sentillo mucho"); the three imperial crown jurists Vargas, Velasco and Quintana had also stayed away. The legates express their satisfaction at the "bel choro di prelati" in their letter of 3 March to Della Casa, Bibl. Ricci 4, fol. 125^r, or. Luciano degli Ottoni also describes the Session as "molto più quieta de l'altra", *C.T.*, VOL. X, p. 881, l. 16.—Of a renewal of the declaration of contumacy passed in *Sessio* VI there was no longer question, as Pacheco states in his report to the Emperor, *C.T.*, VOL. XI, p. 109, l. 15. That declaration had caused the Emperor to justify his attitude with regard to the attendance of the Spanish bishops at the Council, *ibid.*, pp. 100 f.: they were instructed to keep themselves in readiness to set out as soon as ordered by their sovereign, but until further order they were to remain in their dioceses in the interest of religious and political security. Pacheco interpreted the omission of the renewal of the declaration of contumacy as confirming his opinion that the legates were not at all concerned to increase the number of Spanish bishops and that the Curia did not even urge the fifteen to twenty Italian bishops at Padua and Venice to attend the Council, *ibid.*, p. 103, l. 15. The first part was true but not the second, as we have seen. The committee of three, which had been formed previous to *Sessio* VI for the purpose of examining the excuses of the absentees, had not met up to 17 February, *ibid.*, p. 104, l. 27. One of its members, the Bishop of Astorga, gives the reason: the Archbishop of Aix, the senior of the three, was not concerned to push the matter because the King of France did not wish to add to the number of French prelates at Trent, *ibid.*, p. 110, l. 15.

² The celebrant of *Sessio* VII, Jacobus Caucus (Coco), Archbishop of Corfu, 1528-60, came of a Venetian family. He had been at Trent as early as 1543, *C.T.*, VOL. I, p. 419, l. 3, but had fallen sick while there. He was nevertheless one of the first arrivals after the second convocation, 5 May 1545, *ibid.*, p. 184, l. 15, but left again on 17 June, *ibid.*, p. 206, l. 17, and lay sick at Verona for a considerable time, *ibid.*, pp. 211, l. 26; 232, l. 12, and from there returned to Venice. He only reappeared at Trent at the beginning of April 1546, VOL. X, p. 445, l. 5; from that time he took part in all the Sessions. Caucus was regarded as a "buon servitore di S. Sta", *ibid.*, p. 764, l. 23. In the autumn the legates endeavoured to get the see of Ceneda for him when it became vacant through the death of Cardinal Grimani, but they failed, *ibid.*, pp. 687, l. 21; 795, n. 6. Caucus had not a few brushes with the imperialists, VOL. II, p. 386; VOL. I, p. 594, l. 20; among his friends he counted Ottaviano Raverta, Bishop of Terracina and Jerome Angleria, VOL. X, p. 691, n. 1.

and on Church reform. The former was accepted unanimously (the Bishops of Fiesole and Calahorra alone complained of the omission of the title of the Council—*universalem ecclesiam repraesentans*); as for the second, thirteen prelates made additions to their *placet*, eleven of which qualified their assent. The Bishops of Sinigaglia and Fiesole protested against any possible curtailment of episcopal prerogatives. By means of the formula *placent canones*, the Bishops of Bosa, Lanciano and Castellamare signified that they did not approve of the introductory formula, namely the preface of the decree on reform. The tenor of the votes handed in in writing by the four Spaniards, the Bishops of Badajoz, Astorga, Calahorra and Huesca, was indicated by the vote of the last-named: the decree must be formulated more strictly and effectively and without prejudice to the authority of the bishops. It is clear that the adherents of a strict reform remained true to themselves up to the last. The curialists took care, this time, not to repeat the unfortunate experiment of *Sessio VI* by handing in votes expressing opposition. This made it possible to declare both decrees to have been accepted and to promulgate them.

An analysis of the list of those present reveals the remarkable fact that not a single conciliar envoy had assisted at the Session, not even the French envoys, though they actually resided at Trent. However, their absence did not bear the character of a silent protest, for which in fact there was no ground. They themselves accounted for it by the absence of the imperial ambassadors; but in reality it was but the continuation of France's conciliar policy which remained as inscrutable as ever. Nothing whatsoever occurred during the whole Session that would have enabled anyone to foresee, or even merely to suspect, the nearness of catastrophe. The Council had carried out the programme laid down for it and the Session had been held at the time fixed. Never before had the legates and the conciliar experts collaborated more harmoniously than as of late. Even in the imperial camp there was no dissatisfaction with the results so far achieved. To confirm this impression one need only read the sermon of the Bishop of San Marco. It was not actually delivered but the manuscript has been preserved.

At the beginning of the Council, in *Sessio II*, Coriolano Martirano had given expression to the then prevailing state of mind in the sermon he delivered on that occasion. It had been an impressive self-accusation and an acknowledgment of guilt, and was instinct with anxiety for the fate of the Church (cf. CH. I). The sermon at *Sessio VII* was pitched in a very different key. Here we read with astonishment: "Everything is

different!" The preacher's aim is no longer to foster repentance; he is a herald of joy and confidence. Martirano is obviously satisfied with what has been achieved and looks confidently to the future. To most of its members a happy conclusion of the Council appeared to be palpably near. Once the Council ended, and certainty and clarity in matters of faith established, a start could be made with the practical work of building up in accordance with the norms laid down in the reform decrees. All the prognostics were favourable—and yet, catastrophe actually stood at the door.

The Translation to Bologna

UP to the point we have now reached in the history of the Council of Trent we have seen two parallel threads running through it; the one spun by that assembly in its determination to fulfil the tasks set by the Bull of Convocation, namely to issue authoritative decisions on the dogmatic controversies and to restore ecclesiastical discipline. This pervading determination was the result of the authoritative guidance of the legates and of the attitude to their task adopted by the participants entitled to a vote, though neither legates nor conciliar Fathers could escape the influence of the political factor which spun the second thread. They were unable to free themselves from this influence precisely because the Council was not a purely ecclesiastical event but at the same time formed part of a vast political plan of which the main lines, but not all the details, had been laid down in the treaty of alliance between Pope and Emperor in the summer of 1545. As the Emperor saw it, the object of the war against Schmalkalden was to make it impossible for the League to act as the executive of the opposition of the Estates in matters of religion and to break its resistance to the papal Council, so as to make it possible for that gathering to draw up new, binding regulations in the religious and ecclesiastical sphere, the execution of which would then be undertaken by the secular arm. The Pope, on the other hand, viewed the war solely as a religious war fought for the purpose of overthrowing the "dissidents". It was with this end in view that he had supplied troops and money. To increase the Emperor's power, to make of him the absolute master of the Empire, was not his intention. From the very beginning he had been haunted by a suspicion that the Emperor would take advantage of his assistance to realise the aims of his power-politics, and having done so, would come to an understanding with the Protestants. He had concluded the alliance for a fixed period and for a definite purpose, but he was by no means inclined to reinforce the menacing citadel of the Habsburg world-power by means of new substructures and outworks which would render it impregnable. Before his eyes rose the threatening vision of a

universal monarchy, of an extent in space and an internal fullness of power such as had never even remotely come within reach of the Salian Emperors or those of the house of Hohenstaufen. If he were to be territorially enclosed within such a monarchy the Pope would sink to the role of the Emperor's chaplain. The vision was a terrifying one—and never more terrifying than when the head of this world-wide empire could be compared with the Salian Henry III by reason of his keenness on Church reform. Would not a new struggle between *sacerdotium* and *imperium* become unavoidable, one that would have to be fought out in far more unfavourable conditions than those that obtained in the earlier Middle Ages?

Thoughts and fears of this kind were bound to weigh all the more heavily on the Pontiff as the fortune of war had veered round in favour of the Emperor and everything pointed to his forthcoming victory over an enemy who, at the beginning of the struggle, had been militarily superior to him. On 21 November 1546, empty coffers forced the army of Schmalkalden to retreat northwards and split into isolated contingents. The smaller imperial cities, such as Rothenburg, Dinkelsbühl and Nördlingen, surrendered one after another. On 22 December, the envoys of the city of Ulm asked for pardon on their knees; they were followed by those of Frankfurt, and 29 January 1547 saw the arrival at Ulm of the representatives of the council and city of Augsburg, led by Anton Fugger, for the purpose of making their submission to the Emperor. Their spokesman, Peutingier, confessed that "they had been in part misled and in part had erred through ignorance". Strasbourg did its utmost to obtain help from France and the Swiss confederation, but finally saw itself forced to bend the knee before the Emperor at Nördlingen on 21 March. The Count Palatine Frederick had made his peace with the monarch as early as 19 December; at the beginning of January Duke Ulrich of Württemberg made his submission and concluded a hard and humiliating treaty by which he bound himself to share in the fight against his former allies. The Emperor was master in South Germany.¹ Did this mean that the war was virtually at an end?

¹ The conclusion of the war in South Germany and the defeat of the Protestants there is the subject of numerous reports of Verallo, *N.B.I.*, VOL. IX, pp. 379 f. (5 December); 392 ff. (17 December); 406 ff. (25 December); 425 ff. (26 January 1547); for Augsburg see the detailed account by F. Roth, *Augsburgs Reformationsgeschichte*, VOL. III (Munich 1907), pp. 440-82; the report of the envoys of Strasbourg on their submission, *Pol. Corr. Strasburg*, VOL. IV, PT I, pp. 662 ff.; cf. also Janssen, *Geschichte des deutschen Volkes*, VOL. III, pp. 729 ff.; Brandi, *Kaiser Karl V.*, pp. 480 ff. (Eng. edn., pp. 558 ff.).

Charles V's answer to this question was in the negative: he was perfectly right. The military strength of the two heads of the League of Schmalkalden, the Landgrave Philip of Hesse and the Elector John Frederick of Saxony was unbroken. On his return, the latter succeeded in expelling Duke Maurice of Saxony, an ally of the Emperor, who had invaded the Elector's territory, and in occupying nearly the whole of the duchy. On 2 March, he defeated Margrave Albrecht of Brandenburg-Kulmbach, also an ally of the Emperor, near Rochlitz, in fact he even established contact with anti-Habsburg circles in Bohemia. Lastly, North Germany, by this time almost wholly Protestant, was still undefeated. The political aim of the war could not be attained so long as the strongest opponents had not been overthrown; to negotiate with them at this stage would be to run the risk of prolonging the war, and was likely to provoke the intervention of France which was in constant contact with Schmalkalden. For the Emperor there was no choice of means for the attainment of his war aims. He could only achieve complete victory and destroy the opposition of Schmalkalden—that State within the State—by mobilising all available forces. Then only would it be possible to solve the religious problem—and this in conjunction with the Council assembled at Trent.

In the Pope's view things looked quite different. He was of opinion that the Emperor had proved the stronger and from this position of strength could successfully negotiate with his opponents. By the terms of their alliance the monarch was bound to admit the Pontiff to the peace negotiations. It was evident that in the present situation the Pope's voice would carry far greater weight than if the Emperor were in a position to dictate peace after total victory. If such a victory were achieved it would be highly questionable whether the Pope would be able to pursue an independent policy at all. In that eventuality the Council itself would be degraded to the role of a tool of the imperial policy, not to say a thumb-screw with which another's will would be forced on the Pope, always, however, on condition that the assembly continued in session at Trent, that is, within the Emperor's sphere of influence.

But, it may be asked, would not a total victory of the Emperor over the men of Schmalkalden, and the overthrow of the Protestants, have brought about the restoration of unity in the Church? The ecclesiastical organisation of Protestantism within the Empire was the work of the territorial princes and the imperial cities. If they were compelled to submit to the Council, and to restore the authority of the bishops

within their territories, Protestantism would sink to the level of a mere sect. Was it not, therefore, in the interest of the Church that the Pope should continue to assist the Emperor's war effort and in accordance with the latter's wishes keep the Council going at Trent until the end of the war, as had been foreseen in the great plan of 1545?

To ask this question is to pose the whole problem of papal and imperial policy in the year of decision 1547. But since its thread is of necessity so closely intertwined with the thread of the conciliar proceedings that for a long time one seems to see only one thread, the question is also the question of the fate of the Council. To arrive at an historically tenable judgment we must analyse the political forces of the great Powers and the motives of their statesmen—always with an eye on the Council. The war of Schmalkalden and the Council of Trent were concerns of European politics in which even the western Powers could not disinterest themselves. Their rulers, Francis I of France and Henry VIII of England, had at one time done everything in their power to prevent the realisation of the Council but the former had ended, however grudgingly, by participating in it while the latter continued, at least outwardly, to reject it decisively. Now, in the spring of 1547, both died. All these events worked together to impart a new impetus to the play of political forces.

By the Peace of Crépy the Emperor guarded his great plan against France; England, his ally, continued the war against France and Scotland and only ended the French campaign by the treaty of Ardres on 7 June 1546.¹ Soon after the conclusion of peace Henry VIII showed

¹ Information about Henry VIII's attitude to the Council since the summer of 1546 and Gurone Bertano's mission is found in the despatches of the French ambassador in London, Odet de Selve, dated 4 July and 4 August 1546, in Lefèvre-Pontalis, *Correspondence politique d'Odet de Selve, Ambassadeur de France en Angleterre 1546-1549* (Paris 1888); see also the report of the imperial ambassador in London, Van der Delft, to Maria of Hungary, 6 July, *Letters and Papers*, VOL. XXI, PT i, no. 1287; XXI, PT ii, no. 203. Henry VIII's negotiations with Schmalkalden in the summer of 1546 according to the instructions for Niedbruck ("Hans von Metz"), in *Pol. Corr. Strasburg*, VOL. IV, PT i, pp. 216 ff.; his final report, pp. 399 f.; cf. also *Letters and Papers* VOL. XXI, PT i, no. 1526; the plan for a defensive league with Schmalkalden, *Pol. Corr. Strasburg*, VOL. IV, PT i, p. 416, n. 4. Nuncio Dandino's reports of 4 and 15 August, 16 and 23 September 1546 are also very important, Vat. Arch. AA I-xviii, 6532, fols. 99^r, 103^r, 107^r, 111^r. Dandino summed up the result (fol. 118^r) by saying that in consideration of France's intervention Henry VIII was prepared to "mandare alcuni de' suoi letterati in Francia et in Avignone particolarmente, quando tutti li altri principi della Christianità vi mandino loro deputati, et che quelli che S. Sta vi mandera, non si habbino da riconoscere senon per homini mandati dal vescovo di Roma, et che questo non habbia da haver nome di Concilio, ma piuttosto di colloquio tra deputati". On 1 January 1547 Pacheco succeeded in bringing about a discussion of an eventual

his interest in the course of the Council when he asked the French ambassador, Odet de Selve, what was France's attitude to the Tridentine gathering. The answer—on the whole an accurate one—was that only a few French prelates were at Trent and that the main task of the envoys was to report and to defend the interests of the king. A little later Henry VIII announced his readiness to submit to a Council, provided it was convoked by all Christian princes and, if possible, held on French soil. This was only a carefully calculated ruse designed to play on the French mentality, not a true change of heart with regard to the Council. What Henry VIII evidently had in mind was a diet of the deputies of Christian princes, which would never materialise and from which he would have nothing to fear. The Council of Trent, convoked by the Pope, he rejected as before. As late as July 1546 the papal agent Gurone Bertano, a brother of the Bishop of Fano, succeeded, with French assistance, in getting access to the English court and being received by the king—but nothing came of it. Again it was only a gesture for the benefit of France to allow the Italian Francesco Bernardi, a nephew of the Bishop of Verona, to establish unofficial contact with the papal nuncio in France. The result of this contact also was exiguous: once again Henry declared his readiness to send representatives to a *colloquium* in France, or at any rate, in papal Avignon, but at which the Pope's representatives would only be permitted to appear as representatives of "the Bishop of Rome". To the day of his death Henry VIII maintained his absolute rejection of the Council of Trent.

At the diet of the confederation of Schmalkalden held at Ulm in October 1546, a plan for a great defence-league jointly with England, against the Emperor and the Council of Trent, came up for discussion. Both parties were to state their readiness for "a free Christian Council", which now, as so often before, was opposed to that of Trent. But this plan also was never given effect.

Three months later, on 28 January 1547, Henry VIII died. The

"*dechiARATIONE*" by the Council concerning England, which would not have meant an invitation to Henry VIII but rather a definition of the Council's attitude towards him, *C.T.*, VOL. X, pp. 776 f. For the development of doctrine in the Anglican Church see P. Hughes, *The Reformation in England*, VOL. I (London 1950), pp. 366 ff.; VOL. II (London 1954), pp. 46 ff.; for Somerset, *ibid.*, pp. 79 ff. On 1 March 1547 Dandino wrote to Cervini that up to this time "*non si è veduto ne segno ne speranza di buono del nuovo Re*", *C.T.*, VOL. X, p. 830, l. 22. The seriousness of the Curia's plans for England's return is also attested by the *Discorso sopra le cose d'Inghilterra* which was handed to Sfondrato. It is printed in A. von Druffel, "Die Sendung des Cardinals Sfondrato an den Hof Karls V 1547/8", *Abhandlungen der hist. Classe der kgl. bayr. Akad. der Wiss.*, VOL. XX, PT I (Munich 1892), pp. 360 ff.

Paris nuncio, Dandino, informed Rome at once through a courier, at the cost of over a hundred scudi. Was there a prospect of England returning to the Roman obedience and, perhaps, of her being represented at the Council of Trent? For in England the difference in doctrine and discipline was not yet as wide as it was with the German Protestants. In the "Six Articles" of 1539, the Church of England had drawn near to Catholic dogma on several points, as for instance on the doctrine of transubstantiation. The "King's Book" of 1543, it is true, included together with "a profession of faith in the Holy Catholic Church", also a sharp rejection of papal authority. However, was not this rejection due to highly personal circumstances? Henry VIII's death seemed to bring reunion within the range of possibility. On 3 March 1547, the Pope addressed a brief to the English Parliament, urging them to return to the ancient Church.

It was a hopeless appeal. The Duke of Somerset, who headed the council of regency for the barely ten-year-old Edward VI, refused to countenance any kind of contact and, with Cranmer's assistance, pushed forward the protestantising of the Church of England. Dandino, who as nuncio in France was carefully watching events in England, judged the situation aright when on 1 March he ruled out the possibility of a direct intervention in England. He requested the two most influential statesmen at the French court, Cardinal Tournon and Admiral d'Annebaut, to use their influence for the recovery of England. They promised everything, but did nothing when they found that there was no political advantage to be got from it. There was even a service for Henry VIII at Notre Dame, at which three French Crown cardinals were present! The Pope's plan to establish direct contact with England through a legate had to be abandoned.

France, not England, was the motive power in the play of the European political forces during the winter of 1546-47.¹ French

¹ The information on events at the French court I take in the first instance from Dandino's reports of 26 November 1546 to 26 March 1547 already mentioned in the preceding note, Vat. Arch. AA 1-xviii, 6532, fols. 130^r-176^r. Dandino had excellent contacts at court and was a convinced advocate of papal policy in the direction of France; he favoured the refusal of further subsidies to the Emperor ("assolversi da ogni sussidio") and support of French wishes after the conclusion of a definitive peace ("strengerlo alla pace"); on 22 December, in a letter to Cervini, he goes so far as to describe an "honesto appuntamento" with the German Protestants as desirable, *C.T.*, VOL. X, p. 768, l. 16. He reports on 22 March, Vat. Arch. AA 1-xvii, 6532, fol. 163^r, on the reception of the peace legations at the French court.—The negotiations with Schmalkalden in *Pol. Corr. Strasburg*, VOL. IV, PT I, pp. 490 f., 516 f., 544 f., 553 f., 574 f.; on 6 March Dandino claimed to have knowledge that French money had been passed on to Saxony, Hesse and Strasbourg via Switzerland, Vat. Arch. AA 1-xviii,

diplomacy started from the fact that the dynastic agreements of Crépy, namely the transfer of the Netherlands or Milan to the Duke of Orleans on his marriage to a Habsburg princess, had become impossible since the Duke's death. France wanted a new settlement which the Emperor refused to consider so long as the French remained in occupation of Piedmont. In the fulfilment of the secret clauses of the Peace of Crépy, France restricted herself to a minimum. Odet de Selve had exaggerated nothing: the three bishops whom the French king maintained at Trent could at best only be regarded as observers but not as an adequate representation of the French episcopate. There had been frequent talk of a stronger representation, but nothing was ever done. The three French conciliar envoys frequently absented themselves from the city of the Council; of late they had not even attended the Sessions. The Church and realm of France were not absent from Trent, but neither were they really present.

A similar chiaroscuro characterised France's relations with the League of Schmalkalden. Up to the autumn Francis I had given no direct military or financial assistance to his political friends. As their position worsened and their financial needs in particular became ever more pressing, he had made an offer to the Elector of Saxony, through two envoys despatched towards the end of November, of a loan of 200,000 florins against a guarantee to be given by one of the great cities of the Empire, on condition that he continued the war. The envoys of Schmalkalden who presented themselves before him in the last days of December were assured that their cause was a most honourable one (*honestissima*). But the fresh offer, on easier terms, which he intended to make to the Elector through Johann Sturm of Strasbourg, came too late—Sturm found that communications with Saxony had already been cut. The confederates were therefore left to themselves, though rumours of an impending intervention by France had been circulating since the autumn. These rumours had been occasioned by the arrival in the Landgrave's camp of the Florentine refugee Pietro Strozzi, especially as he left almost immediately for Venice, where some Protestant agents were staying at the time. The report of a forthcoming anti-imperial combination, into which Venice was also to be drawn, was deliberately spread by the imperial side with a view to justifying the

6532, fol. 155. Information on French military preparations against the Emperor in Druffel, *Beiträge*, vol. 1, pp. 34 ff., 39 ff. On 20 February 1547 Francis I instructed Mortier, the ambassador in Rome, to warn the Pope against the imperialistic designs of the Emperor ("Seigneur universel du monde"), Ribier, *Lettres et Mémoires*, vol. 1, pp. 610 f.

Emperor's reserve in regard to French wishes for negotiations. Charles V would only treat with France after the conclusion of the war. The French were anxious to draw him into negotiations while his hands were not free, and they sought to give point to their demand by active military preparations. They also had recourse to every diplomatic trick in order to secure the Pope's support for their "peace-action", but above all in order to keep him from extending his military alliance with the Emperor. Their best ally was the extremely able nuncio, Dandino. Already in the last days of November, Dandino had alarmed the Curia by reports of guarantees which the Emperor was alleged to have given to the Protestant cities of the Empire—as if the nuncio at the imperial court would not have had first-hand information at his disposal. Dandino issued an urgent warning against an extension of the subsidies and increased the existing distrust of the Emperor's further plans with regard to the Council. In Rome these warnings fell on fruitful soil.

The Pope had given vigorous support, first through the legate Farnese and then through Nuncio Verallo, to the French demand that the stipulations of Crépy, which had not been carried out, should be replaced by a fresh definitive peace-treaty; in fact he even hinted that he might make the prolongation of the military alliance dependent on the fulfilment of that demand. It was no less opportune for French diplomacy that on secondary questions of an ecclesiastico-political kind the Emperor showed but little readiness to meet the Pope's wishes and that he remained exceedingly cold, not to say unfavourable, in regard to the Farnese family politics. The Pope's irritation at this "ingratitude" of his confederate contributed for its part to turn him against the Emperor even in matters of high politics and to drive him once more towards France, with whose interests his own were running more and more in parallel. His decision to despatch peace legates to the Emperor and to the king in the spring was soon recognised at the French court, after some initial hesitation, for what it was—a move to temporise with the Emperor and to avoid committing himself with him anew. Dandino informed the Pope that the legates would be received in France with every mark of honour. French diplomacy let slip no opportunity—either in Paris or in Rome—of drawing the Pope away from the Emperor and attracting him to the side of France.

On the other hand, at the imperial court feeling towards the Pope deteriorated week by week.¹ There was dissatisfaction with the conduct

¹ The dissatisfaction of the Emperor and his minister Granvella with the Pope's policy is best illustrated by Verallo's reports on his encounters with Granvella on

of the papal expeditionary corps and it was even thought that there was every reason for complaining of the Pope's lack of readiness to help. At the end of January, the military alliance expired. With a view to promoting its prolongation and securing further financial concessions, the Emperor, as early as October 1546, despatched Juan de Mendoza, Don Diego's brother, to Rome as ambassador extraordinary. Juan reached Rome on 13 November, but was kept waiting for nearly a month, pending Farnese's return from his German legation; but even after his return the negotiations made no progress. In order to bring pressure to bear upon the Pope, the Emperor did not receive Nuncio Verallo in audience for nearly two months and kept him out of all the negotiations with the Protestant Estates that were making their submission. Friction followed friction. When on 12 November, at Lauingen, Verallo

12 November and 16 December, *N.B.I.*, VOL. IX, pp. 341, 395, and the report from Heilbronn on 25 December, *ibid.*, p. 408. Gurone Bertano had left Trent on 11 January, *C.T.*, VOL. X, p. 785, *n.* 1, but was delayed for over a week by his accident at Sterzing, *ibid.*, p. 789, *n.* 3. Farnese's order, *ibid.*, p. 799, that the Bishop of Fano should take his place was not carried out because the latter had already left Trent. On 27 January Gurone had an audience with Granvella together with Verallo and on the following day with the Emperor, *N.B.I.*, VOL. IX, pp. 429-40; the report on the final audience on 7 February, *ibid.*, pp. 462-9. On 19 February Gurone Bertano passed through Trent on his return journey to Rome, *C.T.*, VOL. X, p. 823, l. 25. The instructions of 11 February for Diego de Mendoza give us an idea of the imperial conception of his mission, *see* W. Maurenbrecher, *Karl V und die deutschen Protestanten* (Düsseldorf 1865), pp. 86*-99*. The report on Verallo's "bella audientia" on 2 February is in *N.B.I.*, VOL. IX, pp. 442-51; the Emperor's instructions for Juan de Mendoza, 28 October, *ibid.*, pp. 611-22. The Pope's answer, which was by word of mouth, must be gathered from the instructions of 5 February for Verallo, *ibid.*, pp. 451-61. Francisco de Toledo's mission is treated in detail by G. Buschbell, "Francisco de Toledo und seine Tätigkeit in kaiserlichen Diensten während des ersten Abschnittes des Konzils von Trient", *H.Ź.*, LII (1932), pp. 356-88—especially pp. 373 ff. Madruzzo's agent in Rome, Aurelio Cattaneo, who naturally watched Toledo's negotiations with the closest attention, declared, *C.T.*, VOL. X, p. 879, l. 19, that the latter treated "ne di concilio ne di legatione" but only of financial assistance. "Worse than brigands", Gianbattista Cervini wrote on 2 February, *ibid.*, pp. 925 f., "the two imperial diplomats have fallen upon the Pope, but "Papa Paolo—Dio ci'l preservi—zingaro vechio, s'attaccò alla cordella della pace et fecella fori a tutti i nodi imperali". Buschbell (*op. cit.*, p. 380, *n.* 137) has rightly refuted Friedensburg's allegation that the imperial envoys had been betrayed into personal threats against the Pope. Cardinal Otto of Augsburg's anxiety on account of the estrangement between Pope and Emperor appears in a letter to Farnese, *N.B.I.*, VOL. IX, p. 449, *n.* 1. In his conversation with Savelli, the papal general of cavalry (*see* the latter's account, *ibid.*, p. 481, *n.* 1), Madruzzo gave a very superficial explanation of the *existing* tension when he traced it back to the fact that Nuncio Verallo did not enjoy the Emperor's favour and that a legate should have been despatched to the imperial court—himself, of course. The Emperor's confessor, Pedro Soto, saw much further when, at the end of February, he besought Verallo "che S.Sta si accomodasse a non abbandonare per adesso di aiutare S.Mta in questo tempo ch'è più bisogno che mai per l'impresa", *ibid.*, p. 483.—Among the numerous accounts of the imperial policy at this time the most complete is still that of W. Friedensburg in the introduction to *N.B.I.*, VOL. IX, pp. xxxv-līii.

represented to the elder Granvella that after the Pope had done so much for the Emperor, the latter should meet him to some extent in other controversial matters ("dar' qualche consolatione"), the minister exclaimed: "What! meet him? We shall get our troops to fire a salvo before him and our trumpeters to sound a blast." Without allowing himself to be intimidated by these threats, the nuncio enumerated the many questions still in dispute between Pope and Emperor, with the only result that Granvella ended the interview with yet another threat: "If the Pope refuses to make a serious and more weighty ("davero et meglio") contribution to the war-effort, we shall be compelled to protect our interests by other means."

Granvella's threats sounded like a complete justification of the Pope's fears that the Emperor harboured some dark design. When a month later, on 16 December, Verallo had another interview with Granvella at Schwäbisch Hall, the latter's first words were: "If Mendoza is kept waiting any longer the Emperor will be compelled to safeguard his interests by other means." On the question of peace with France, he gave the nuncio no chance to utter a word. On 25 December Verallo summed up his impressions in these terms: "The Emperor orders affairs in Germany as he thinks best, without informing me, in fact he never says a word about religion. It may be that he intends first to settle the affairs of the State and after that those of the Church. We shall have to wait and watch for developments. The fact is that up to this time I have not succeeded in obtaining an audience with the Emperor in order to communicate to him the instructions of Your Holiness in regard to peace and other matters."

Gurone Bertano, who was despatched to the imperial court in January 1547 to further the peace likewise got no hearing. The Emperor and his minister acknowledged, of course, in principle, the Pope's mission of peace ("l'uffitio . . . di poner pace et concordia tra principi"); but they declared that after the fruitless conferences of Bruges and Antwerp there was not much to hope for from the fresh meeting of ministers proposed by Gurone. The chief obstacle was the refusal of the French to surrender their pawn, Piedmont, as a first move. All the same, Gurone had been treated in a friendly and courteous manner. But when a few days later, on 2 February 1547, Verallo handed to the Emperor the papal brief of 22 January, which announced the expiration of the alliance, the monarch gave vent to his resentment and broke out in vehement complaints of Paul III, his person and his politics. In a sarcastic tone, he expressed his satisfaction that the papal troops, who

by their plunderings and deeds of violence had only caused him shame and injury, were at last disappearing from the theatre of war. The reasons alleged by the Pope for the denunciation of the treaty were mere pretexts ("frascarie"). Then full of anger and in terms of offensive ambiguity he went on: "The Pope is suffering from his old disease, the French sickness; he only made me plunge into this enterprise for the purpose of destroying me; but things have turned out otherwise than he expected. This is not the conduct of a good shepherd, of a man of honour! The Pope's only concern is the exaltation of the house of Farnese, not that of acting as a shepherd and a father. Far better than he, I know what is to be done for the good of religion—and I shall tell him so to his face!" After this angry outburst, the Emperor left the room without taking his farewell of Verallo and went to hear Mass. "A beautiful audience", was the sad reflection of the nuncio who was quite blameless in the whole affair.

The Emperor had not only rudely offended against diplomatic usage, his accusations against the Pope were, at least in part, without foundation, unjust and highly offensive. It was foolish on his part to assert that the military alliance was no more than a trap devised by the French and set by the Pope for the purpose of undoing the Emperor; and how profoundly hurt the Pontiff must have felt when he read the offensive remark about his own person in the nuncio's despatch!

On the following day, Granvella sought to soften the effect of his sovereign's grievous lapse and to smooth the angry waves, but he refused to give credence to Verallo's assurance that the Pope was neither "French" nor "Imperial" and he rejected as unjustified the reproach of ingratitude for the military assistance rendered by the Pontiff. In the opinion of the nuncio, those chiefly to blame for the catastrophe were the Emperor's representatives in Rome: it was their reports that had thus roused the monarch. However, he was not blind to the fact which could scarcely be denied, that the papal policy was undergoing a change. The change was a disappointment not only for the Emperor but likewise for leading Catholics in Germany, as, for instance, Cardinal Otto of Augsburg: "All the hopes of the Catholic princes", the latter wrote to Farnese in the first days of February, "rest not only on His Holiness continuing this enterprise in conjunction with the Emperor, but even on his doing his utmost alone, should the latter fail him, so as not to leave unsolved a task fraught with such weighty consequences." Verallo, filled as he was with anxiety, added with his own hand the following

postscript to his despatch on 2 February: "Much ill-feeling prevails here against all Romans."

Although the Emperor spoke in milder tones at Gurone's farewell audience, his anger against the Pope flared up once more when in the course of February his last hopes faded away, his hopes for the Pope's authorisation of the appropriation of Church property for the continuation of the war. His original plan had been for a large-scale alienation, with the Pope's permission, of ecclesiastical freehold estates against future compensation to the owners; but he had given up the idea because the College of Cardinals opposed so far-reaching a concession. At a later date he had the idea of securing the necessary means for the pursuit of the war by the sale of one half of the treasures of the churches in his hereditary territories and by appropriating one half of the annual revenues of cathedrals and other churches. By the papal side the yield of such a transaction was estimated to amount to considerably over one million, perhaps even two million ducats, but the imperial side reckoned that it would only yield 900,000 ducats. This plan required the Pope's approval. In order to obtain it, the Emperor had despatched to Rome as extraordinary ambassador, the second conciliar envoy, Francisco de Toledo, as early as the month of December. Owing to the fact that Toledo had to carry out several commissions at Florence in connection with the financing of the war, he only reached Rome in the second half of January 1547, at a time when the denunciation of the alliance had already been decided. While waiting for fresh instructions from the Emperor he refrained from seeking an audience of the Pope, and only on 7 February, when these had arrived, did he start negotiations in which he was supported by the ordinary ambassador Juan de Vega. The Pope was prepared to grant permission for the appropriation of a definite sum—400,000 ducats at most—but refused to grant a general concession whose financial yield was not determined. Even in two further audiences, on 19 and 27 February, Toledo failed to obtain the Pope's consent even though his proposal had been very cautiously supported by Farnese and even more decisively by the Cardinals of Burgos and Coria, Juan Álvarez de Toledo and Francisco de Mendoza. A hint that on the basis of a theological opinion the Emperor felt justified, if need be without the Pope's permission, to seize church-treasure for the present purpose, was not calculated to make Paul III more forthcoming. Toledo prolonged his stay in Rome until 18 March without achieving anything. The Pope was not to be persuaded to contribute, were it only indirectly, to a further financing of the war beyond a very definite limit.

The Emperor's most pressing anxiety at the moment was undoubtedly how to assure financially the prosecution of the war; the Council had receded to the second place. It is easy to understand that, from his point of view, the monarch could not be satisfied with the course of the negotiations. In his instruction for Juan de Mendoza on 28 October 1546, he had declared that he would not for the world encroach on the rights of the Papacy, nor would he meddle with the internal affairs of the Council; he had nevertheless added a clause to the effect that he was anxious that the main controverted points ("los puntos mas principales y substantiales de la religion") should be kept back and precedence given to Church reform. This was the standpoint he had always taken. What was new was the remark that he had no objection to the Pope carrying out a reform of the Church within the Empire, independently of the Council ("fuera del concilio"), though on the one condition, that the locality of the Council, Trent, which had been agreed upon with the German Estates, was not changed because this constituted the juridical prerequisite for the subsequent subjection of the Protestants to the decisions of the Council. A translation to a locality outside the boundaries of the Empire, he added significantly, would make it impossible to overcome the opposition of the Protestants, would compel the Catholics to compromise with them, and eventually lead to a national council. Mendoza's instructions stated these basic ideas of the Emperor's conciliar policy with all the clarity that could be wished for.

With his attention fully occupied with the conduct of the war, the Emperor had hitherto done but little to translate these ideas into reality and had achieved very little. When towards the end of January 1547 the Pope replied, through Nuncio Verallo, to that part of the Emperor's instructions for Mendoza which concerned the Council, the decree on justification had been promulgated and the decision of the most important controversial doctrine was an accomplished fact. The Pope justified the action of the Council by pointing out the impossibility of a further postponement of a decision on the doctrine of justification without disappointing the prelates present at Trent and without lowering the authority of the Council. The way out of the impasse—the suspension of the Council—which had been foreseen in the November agreement between Farnese and Diego de Mendoza, had been rejected by the Emperor. As for Church reform, the Pope had handed it over to the Council and given appropriate powers to the legates, not because he shirked it or wished to put it off, but from a conviction that many deep-rooted abuses would be more easily removed by the Council than

by a reform decreed by the Pope. Of the last point of the instructions, the papal answer scarcely took any notice. The translation of the Council, which for weighty reasons had been mooted for some time, was no longer under discussion ("non si pensando hora a questo"). The Council had taken a course different from that expected at the time, that is in the last days of October. This shelving of the plan for a translation was not intended to deceive the Emperor. The Council had pursued its way regardless of the Emperor's wishes: it had, so to speak, run away from him without his doing anything to prevent it. He had slackened the reins of his conciliar policy and unduly neglected his diplomatic representation at Trent.

Shortly after Diego de Mendoza had definitely left his diplomatic post on 3 December, his colleague, Francisco de Toledo, also left in order to execute the Emperor's commissions in Florence and Rome. The three Spanish Crown jurists Vargas, Velasco and Quintana remained at Trent, but they were not accredited to the Council as diplomatic representatives of the Emperor. They were, moreover, without instructions and refrained from any kind of activity, for they were under the impression that the representation of the imperial interests was now the concern of Cardinals Pacheco and Madruzzo. Even the duty of reporting was carried out by them only spasmodically; thus their report on *Sessio VI* only reached the Emperor on 6 February, three weeks after the event. The severe blame which was accordingly administered to them was in fact undeserved, but is accounted for by the Emperor's annoyance at the unexpected promulgation of the decree on justification. As he had relied on the reports of the Roman ambassador, Juan de Vega, the monarch had not reckoned with such a possibility. Even now he contented himself with urging the jurists to show greater diligence in reporting. They were also directed not to give either an express or a tacit assent to decrees, or to any other act of the Council; only when in the discussions on the duty of residence the rights of the king were encroached upon, or those of his vassals appreciably injured, were they to raise a protest. What form the protest should take was not made clear. Since they were not accredited to the Council, they would have had to produce a written commission from the Emperor in each particular instance. The two cardinals were in a similar position. But was it possible that such powers could reach Trent in time if the Council were to take an unforeseen turn?

It was a grievous mistake on the Emperor's part to allow his conciliar policy to become a side-line, but his action, astonishing as it is

in itself, will surprise us much less if we bear in mind that in the first months of the year 1547 the Council was by no means the central interest even of papal policy.¹ The Pope was of opinion that with the promulgation of the decree on justification that assembly had fulfilled its main task. Thanks to the legates' skill it continued on its course and gave rise to no grave anxiety. By May, it was thought, it would perhaps have accomplished its task. That until then nothing could be done for the ordering of religious conditions in Germany was as well known in Rome as at Trent, but people comforted themselves with the thought—which was not far from the Emperor's mind also—that this task could be carried out by a legate, after the conclusion of the Council, though on the basis of its decrees. By comparison with the grave dangers of a lengthy Council, even a German national council—which until this time Rome had feared and resisted—appeared to Cervini as the lesser evil, and he succeeded in persuading the Pope of the soundness of his opinion. Behind his plan for the earliest possible termination of the Council lay the fateful, highly questionable notion that in any case Germany could not be saved for the Church, whereas it was of decisive importance that in those parts of Christendom which had preserved the Catholic faith, hence, essentially in the Latin countries, the faith should be clarified and ecclesiastical discipline restored through the Council. We are not likely to be mistaken if we assume that Cervini viewed the termination of the Council of Trent like that of the Council of Constance: the most pressing ecclesiastical reforms were to be effected by means of general conciliar decrees, while all else would be settled with each particular country, not, of course, by means of concordats with individual nations, as at Constance, but by papal legates and, if need be,

¹ In a letter of 26 January to Maffeo Cervini unfolds his plan for the termination of the Council in the early summer of 1547 and the elimination of Germany, *C.T.*, vol. x, pp. 802 f. That the Pope was strongly impressed by the observations on the German national Council made in that letter is confirmed by Maffeo's answer of 5 February, *ibid.*, p. 808, l. 2, the despatch of Vega on 7 February, vol. xi, p. 98, and a letter from Rome of Ruggieri, the Ferrara agent, dated 12 February 1547, erroneously numbered among the reports of the year 1543, State Arch. Modena, Dispacci Roma 27 A. Since there was no prospect of the Germans putting in an appearance at Trent "seria pazzia tener aperta quella porta, della quale non potessero aspettare se non danno": after two Sessions, the Council would be terminated. Cervini's plan bears a fundamental resemblance to the termination of the Council of Constance, though I would not go so far as to maintain that it served as a model. The idea was that the Council should decide the dogmatic controversies and restrict itself to a minimum with regard to the general reform which would be completed by particular regulations for each individual country. At Constance it was a question of concordats. In the present instance the idea was to send legates and eventually to hold national Councils. The whole plan is fundamental for an understanding of the translation of the Council to Bologna.

by national Councils. The Pope and his legate can scarcely have been blind to the fact that an early closure of the Council, regardless of the German Protestants, would cross the Emperor's great plan and meet with violent opposition on his part. However, for the moment this difficulty was not acute. The Pope was glad that the close connection with the Emperor, which had filled him with anxiety, had been slackened, and Cervini, the author of the plan, enjoyed his favour in fullest measure. With regard to the Emperor, the Pope felt he had reason in plenty for distrust and complaints.

In article 3 of the treaty of alliance, the Emperor had bound himself not to come to any agreement ("appuntamento o concordia") with the opponents which would affect the war aim and hinder or postpone its attainment, but above all not to make any concession in the religious sphere without the express consent of the Pope or of the legate authorised by him. For all that Verallo, who had inherited all the powers of the legate, was deliberately kept out of the preliminary negotiations with the South-German Estates. In this exclusion of his nuncio the Pope saw an unmistakable breach of contract, while the Emperor adopted the standpoint that here there was no question of peace negotiations of a decisive character, but only of preliminary discussions and provisional declarations of obedience. In point of fact these *capitula*, as the results of these negotiations were called, contained no concessions in the religious sphere, but on the other hand, the Estates that made their submission were not put under any obligation to return to the old religion—the religious sphere was left an open question. The Emperor's motive is unmistakable: he was in the midst of a war and it would have been highly imprudent to whip up Protestant resistance by premature demands, not to speak of coercive measures, and so create restlessness behind the lines. But the Pope viewed the boycotting of the nuncio as a breach of contract and, beyond this, the beginning of an arbitrary settlement of the religious problem of Germany.¹

¹ The Pope's grievances against the Emperor were connected with article 3 of the treaty of alliance, the text of which is given in *N.B.I.*, VOL. IX, p. 576; its interpretation is contested. Friedensburg (*Introduction, ibid.*, pp. xlv f.) maintains that the Pope's grievance was groundless while Pastor, VOL. V, p. 591 (Eng. edn., VOL. XII, pp. 327 f.) says it was fully justified. The fact is that even Verallo admits on 25 December that up to this time the Emperor had granted no formal concessions in the religious sphere, *N.B.I.*, VOL. IX, p. 408. On 6 January Brenz comments thus on the "capitulation" of Hall, an imperial city: "Nulla hic volebat mentio admitti vel religionis vel veterum privilegiorum", Th. Pressel, *Anecdota Brentiana* (Tübingen 1868), pp. 262 f.; above all, he adds in letters dated 28 December and 6 January, no new civil oath was demanded, *ibid.*, pp. 259 and 263 f. Another reporter, Hans Zimprecht Barter, writes to Strasbourg on 17 January: "Item der religion halp nimt sich der keiser garnichts an, last alle

Paul III also reproached the Emperor with ingratitude. It was with his help that the monarch had become once more master in his own house, yet for all that he had no thought of acknowledging his obligation to the Pope by meeting him on questions of the second or third order which were still pending. The Nuncio Verallo submitted an extensive list of these in an audience on 12 November, among them the refusal to allow the *commendam* at Barletta to be occupied, the question of *spolia* at Savona, of encroachments in the sphere of ecclesiastical jurisdiction by the Viceroy of Naples, of similar encroachments in Spain, of the detention of two clerical prisoners at Florence. Pierluigi Farnese had not yet been recognised by the Emperor as Duke of Piacenza, while the newly appointed governor of Milan, Ferrante Gonzaga, a bitter enemy of the Farnese, kept up a never-ending conflict with him. In addition to all this, the imperialists accused Pierluigi of having been involved in the unsuccessful Fiesco conspiracy against the Doria in Genoa. By comparison with the grave matters that were at stake in Germany, most of these grievances were concerned with minor or purely personal interests, but they contributed for their part to the tension that bedevilled the relations between Pope and Emperor.

On the other hand the Pope's refusal to extend the treaty of alliance and the decision to recall his troops, which was arrived at on 22 January 1547, was inspired by a different motive. This was the Pope's conviction that the Emperor had given sufficient proof of his superiority, while it was not in the interest of the Papacy to increase his power still further as a result of total victory secured with its co-operation. This conviction was in accord with Paul III's fundamental political attitude, but it had also been strengthened by the skilful work of French diplomacy and its spokesman Dandino. It also conformed to the political opinions of the conciliar legate, Cervini, about whose anti-imperial attitude there could be no doubt since the incident of the summer of 1546. The influence of the cardinal-nephew, Alessandro Farnese, who since his return from his German legations was regarded as a supporter of the imperial policy and who delighted in the role of "gran servitore dell' Imperatore", had visibly declined. Both Juan de Vega and the two extraordinary envoys, Juan de Mendoza and Francisco de Toledo, had to

pfarer bitz zu einem generalconcilium pliben, als er sagt, in jarsfrist zu halten", *Pol. Corr. Strasburg*, VOL. IV, PT I, p. 573. On 19 February Johann Sturm writes that there was a possibility that the Emperor would not touch either the freedom or the religion of Strasbourg (*ibid.*, p. 609), but he is not referring to a definitive regulation; Strasbourg's agreement with the Emperor (*ibid.*, pp. 658 ff.) contains no reference to a change of religion.—The Pope's lesser complaints against the Emperor, *N.B.I.*, VOL. IX, p. 341.

learn by experience that Farnese's intervention with the Pope on their behalf was not greatly to their advantage. Vega saw that the main cause of this lay in the cardinal's personality. His vanity, want of judgment and unreliability, Vega felt, robbed him of any weight; he did not even command the devotion of his own secretaries. The fact was that Alessandro was not the man to dissuade so experienced and shrewd a politician as Paul III from a decision suggested to him by the shifting of the balance of power then in progress in the whole of Europe.

The second step in the new direction of papal policy was the nomination of the two peace-legates on 25 February 1547. No one could question the fact that it was the Papacy's duty to work for peace between Christian princes. However, the missions of Cardinal Sfondrato to the Emperor and that of Cardinal Capodiferro to the King of France were prompted by a consideration of high politics, that of getting the two monarchs to take their places at the diplomatic conference-table while the balance of power had not yet been definitely upset by total victory in Germany. There can be no doubt that though Sfondrato was personally acceptable to the Emperor, his arrival at this moment was not welcome. A new significance was given to Capodiferro's mission by the death, on 31 March, of Francis I, a circumstance which made the legate the bearer of the Pope's good wishes for the king's son, Henry II, on his accession to the throne. A change of rulers, one could surely hope, would facilitate an understanding. Both legates were charged to work for the return of England to the unity of the Church. It is doubtful whether the Pope actually saw in Henry VIII's death a real chance of England's return to the Roman obedience. The postponement of the announcement of the nomination of a third legate—this time for England—was justified by the objections to Cardinal Pole who had been considered for the post. These objections did not come exclusively from the French side. The departure of the two legates was delayed until the month of April.¹

¹ The brief of 22 January recalling the papal troops, Raynald, *Ann. eccl.* 1547, no. 98. The decisive passage drafted by Maffeo, *N.B.I.*, VOL. IX, p. 422, n. 1; the instructions for Verallo of the same date, *ibid.*, pp. 421-5. The Pope's decision to send peace-legates to the Emperor and to the King of France had already been taken on 18 February, *C.T.*, VOL. X, p. 821, l. 25. After the nomination of Sfondrato and Capodiferro in the consistory of 25 February, *ibid.*, p. 827, Verallo was given appropriate instructions, *N.B.I.*, VOL. IX, pp. 492 ff. The instructions for the two legates are printed by Druffel, *Briefe und Akten*, VOL. I, pp. 50 ff. Cattaneo, Madruzzo's Roman agent, claimed to have heard that if necessary the Pope would be satisfied with a truce (*treuga: accordio*) and when the Emperor had improved his relations with France the Pope would be more forthcoming towards him, *C.T.*, VOL. X, p. 880, l. 7. In this instance the wish was father to the thought.

The Pope's grievances against the Emperor, his refusal to extend the alliance and the appointment of peace-legates constitute the foreground of his policy; in the background was his considered opinion that negotiations on a broad basis must be started before the Emperor had achieved complete military victory and thereby made himself absolute master in the Empire, and lastly the Pontiff's deep-rooted distrust of Charles V's ulterior intentions: there is no other convincing explanation of the facts. On the other hand our sources furnish no indication whatever that the Pope intended to bring about a change in the status of the Council. What took place at Trent in the second week of March 1547, happened without his previous knowledge and without his orders, though it fitted in very well with the line which the papal policy had pursued since the turn of the year. The question, therefore, is: "Who took the initiative for the translation of the Council?"

Before we look for an answer to this question by studying the facts, we must form a picture of the conciliar legates' attitude to their task.¹ Del Monte was weary of his office and of residence at Trent. To the city's climate he ascribed the deterioration in his health. Painful attacks of gout, trouble with his eyes, bouts of toothache, repeatedly compelled him to leave the presidency of the general congregations to his colleague, or even to absent himself from these gatherings. His collisions with the imperial cardinals contributed for their part to render his stay at Trent distasteful to the excitable prelate. His frequent requests for permission to resign had not been granted up to this time, but now at last he had his wish. On 2 March 1547 Farnese informed him that the Pope had accepted his resignation: he should, however, await the arrival of his successor. Though the latter was not yet nominated, there was nothing to prevent him from making preparations for his departure as soon as *Sessio* VII was over. From the moment he received this information Del Monte was not greatly interested in a change of locality for the Council.

¹ Reports of Del Monte's bad health were already coming in in 1545, *C.T.*, VOL. X, pp. 183, l. 4; VOL. I, p. 267, l. 30. He suffered from podagra and chiragra "con intolerabile dolore", VOL. X, pp. 420, l. 35; 434, l. 29; VOL. I, p. 418, l. 19; also pains in the face and ears, VOL. X, p. 548, l. 25; in the throat, p. 654, l. 36, and was permanently in the doctors' hands. His bad state of health was one of the motives, though not the only one, of his repeated requests for his recall, acceptance of which had been given serious consideration ever since the autumn of 1546, VOL. X, p. 670, l. 11. The Bishop of Astorga had heard of Del Monte's forthcoming release as early as 13 February 1547, VOL. XI, p. 103, l. 2. Farnese's information of 2 March 1547, that the request had been acceded to, VOL. X, pp. 830 f.; also reported by Gianbattista Cervini, *ibid.*, pp. 926, l. 37; 927, l. 10. The latter claims to have information that Sfondrato would eventually replace Del Monte, *ibid.*, p. 928, l. 27.

Cervini's situation was different. He had worked himself up to a position in which he was the real leader of the Council. The Pope regarded him as indispensable for its continuation, but above all for its early termination in the way he had in mind. However, Cervini too disliked his stay at Trent ever since the Emperor had threatened him with his vengeance. This vengeance he would have to fear more than ever if, following his own plan and crossing that of the Emperor, he were to push the Council rapidly forward and to terminate it before the Germans would be able to put in an appearance in that assembly. In the summer of 1546, he discovered that a favourable occasion for a translation had been missed because Rome had been consulted on the subject. It would not have been surprising, therefore, in the event of a similar opportunity offering itself, if he did not repeat the mistake then made, but acted promptly and on his own authority. His prestige in Rome had been enhanced by the promulgation of the decree on justification and he was more sure of the Pope's confidence than ever before. The only question was whether a fresh occasion for a translation would arise: in the days immediately following *Sessio VII* there seemed to be no likelihood of such a thing happening.

On 7 March 1547, the Council took up its work as usual.¹ It received the above-mentioned envoys of the German chapters who were in quest of an authentic interpretation of the stipulations in can. 4 of the decree on residence, concerning the bishops' right of visitation of cathedral chapters. It gave its assent to the proposal made by Cervini who was presiding in the place of the president who was sick, not to proceed to the next subject for debate, that is not to discuss the sacrament of the Eucharist jointly with the sacrifice of the Mass, but to put off the latter until all the sacraments had been discussed. Only then would the abuses in the administration of the sacraments be examined. The legates evidently counted on rapid progress of the dogmatic debates, all the more so as the "articles" on the four sacraments still outstanding, Penance, Extreme Unction, Holy Order, Matrimony, were already drawn up.

¹ The acts of the debate on the Eucharist, 7 to 9 March 1547, *C.T.*, VOL. v, pp. 1007-17. We pass over their content as well as that of the fourteen theologians' congregations between 3 and 19 February, *ibid.*, pp. 869 ff., to present it later on in connection with the Bolognese debate. The collection of material from the Greek Fathers and Byzantine writers put together by Sirleto is in VOL. x, pp. 951 ff. Massarelli's note, VOL. I, p. 623, l. 42, proves that the articles on the sacraments that had not yet been discussed, were ready by this time.

In the general congregation of 8 March, at which Del Monte presided once more, the envoys of the German chapters were informed that they must furnish proof of their being the representatives of these bodies. Then followed the opening of the debate on the articles on the Eucharist, on which the conciliar theologians had been heard from 3 to 19 February. The new method introduced in the debate on the sacraments previous to *Sessio VII* had prevailed. The ten articles on the Eucharist submitted to the theologians were divided into two categories: six were to be "condemned absolutely" (*simpliciter damnandi*), while four were to be rejected "with some qualifications" (*cum aliqua declaratione*). Eleven additional articles formulated by the theologians were likewise to be discussed.

The debate ran its course without incident and made good progress. Twenty out of the forty-six prelates present delivered their votes and in the congregation of the following day seventeen more did the same, so that there was reason to hope that the first reading would be concluded in one more congregation. However, when the Bishop of Bertinoro had given his vote, the president suddenly stopped the debate and put to the Fathers of the Council—most of whom were completely taken by surprise—the question whether or not the Council should remain at Trent.

Del Monte began by recalling the events of the last summer. At that time, when the dissolution of the Council was threatened, the legates had formally pledged themselves to warn the assembly of any possible danger and to care for the health and life of its members as they would for their own. Since the last Session nearly a dozen prelates had left without the express permission of the legates; several others had a mind to follow their example because a sickness resembling smallpox had broken out in the city. It had carried off the Bishop of Capaccio and was daily claiming further victims. Up to this time the legates had refused, on principle, to allow anyone to leave, but had promised those who asked to lay the matter before the Council. Moreover, with a view to a reliable basis for future decisions, they had obtained from Fracastoro, physician to the Council, and from Balduino, Del Monte's personal physician, a report on the character of the sickness prevailing in the city. This report showed that the sickness was epidemic and a forerunner of the plague. Fracastoro had added force to his report by a personal declaration to the effect that he did not feel bound, by the terms of his contract with the Council, to treat the victims of an epidemic; if he were offered a hundred florins a day he would not

remain in the city. Del Monte himself read the physicians' memorial and then asked the prelates to state their opinion. The legates were prepared to abide by the will of the majority, either to stay or to go, but they made one reservation: the Council must not be dissolved. The word "translation" had not been uttered; for all that it was clear to everyone present that the legates intended to move the assembly. On what facts did they base their decision?

The memorial of the physicians, Girolamo Fracastoro and Balduino de' Balduini, which was incorporated in the acts of the Council,¹ leaves no reasonable doubt that the sickness which had made its appearance at

¹ The memorial on typhus at Trent by Fracastoro, the physician of the Council, and Balduino, Del Monte's personal physician, *C.T.*, VOL. V, pp. 1014 f., is defended as a conscientious and medically valuable document by F. Pellegrini, "L'epidemia di 'morbus peticularis' del 1546-1547 e il medico del Concilio di Trento", *Castalia*, II (1946), published separately. Of Balduino de' Balduini we only know the little told us by conciliar sources (*C.T.*, VOL. I, pp. 224, l. 22; 225, l. 25; 228, l. 15—invitations, with Massarelli, from the officials of Madruzzo's court).—Girolamo Fracastoro, a native of Verona († 1553) is one of the most famous physicians and naturalists of his age, whose *Opera omnia* (Venice 1555) saw several editions (the last at Padua in 1739). His work *De contagione et contagiosis morbis* (Venice 1546), reprinted at New York in 1930, is regarded as the foundation of pathology. F. Diepgen, *Geschichte der Medizin*, VOL. I, p. 262, says that it is only necessary to replace the word *contagio* by bacillus to see that Fracastoro anticipates not a few discoveries of modern bacteriology. His descriptions of typhus in the army of Lautrec before Naples is regarded as the first accurate description of the disease by W. Kolle-R. Kraus-P. Uhlenhuth, *Handbuch der pathogenen Mikroorganismen*, VOL. VIII, PT II (Jena 1930), p. 1108; Nicolaus Leonicus calls it a "new" disease in a letter of 15 March 1529 to Pole (Vat. Bibl., Ross, lat. 997, fol. 27^v): "inaudita sc. novi cuiusdam morbi labes primo statim vere (1528) exorta, petecchias vulgo appellabant, quae toto corpore maculis infecto cum ardentissimis febribus hominem vel robustissimum invasisset, eum septenis fere, ad summum novenis diebus conficiebat. Qua tempestate eruditissimus vir et nobis carissimus Baptista Leo maximo omnium dolore nobis ereptus est"; for the transmission of the bacillus through the air, see H. Eyer in: *Handbuch der inneren Medizin*, VOL. I, PT I, (Berlin 1952), p. 658. H. Eyer, the leading authority in this field, has gone over the doctors' memorials with me—for which my thanks are due to him.—Fracastoro, on friendly terms with Giberti and highly esteemed by Paul III, had been appointed official physician to the Council, on Madruzzo's recommendation at the end of January 1546, and received the large salary of 60 scudi a month, *C.T.*, VOL. I, p. 386, l. 2; VOL. X, p. 345, l. 5. Cervini consulted him, VOL. I, p. 545, l. 38; VOL. X, p. 504, l. 37, and he was also summoned to the sick-bed of Alessandro Farnese, VOL. X, p. 547, l. 31. He was, moreover, friendly with one of the local doctors, Giulio Alessandrini. The copious literature about him is listed by F. Pellegrini, *Girolamo Fracastoro* (Trieste 1948), pp. 181-6; his theological interests appear in the *Scritti inediti di Girolamo Fracastoro*, published by F. Pellegrini, Verona 1955; cf. H. Jedin, "Laientheologie im Zeitalter der Glaubensspaltung: Der Konzilsarzt Fracastoro", *Trierer theol. Zeitschrift*, LXIV (1955), pp. 11-24.—The Trent doctors' refusal to sign the memorial, *C.T.*, VOL. I, p. 141, l. 6, in no way shakes its authority, all the more so as, according to a hint by Del Monte, it must be assumed that pressure had been brought to bear upon them from the imperial side. Anonymous's suspicion, VOL. X, p. 884, l. 17, that Fracastoro had been bribed by the papal side (among other things by the promise of a bishopric or a chair at Bologna University), is not confirmed by any other source.

Trent was *morbus lenticularum sive ponticularis*, in popular speech “petecchie”—that is typhus. The symptoms described by the doctors—a high fever, rising to delirium, an irregular pulse, spots the size of lentils on chest, back and arms, and the infectious nature of the disease are diagnostic of typhus borne, as we now know, by lice and which has been so dreadful a scourge of armies on active service in particular, up to our own days. The first physician to provide an accurate description of typhus was none other than the physician of the Council, Fracastoro. He had encountered it in the year 1528, when it nearly destroyed the French army which was then besieging Naples. As a matter of fact in his memorial for the Council, Fracastoro refers to his observations made at the time (*sicuti anno 1528*). With his work *De contagione et contagiosis morbis*, printed at Venice in 1546, he became the pioneer in the field of infectious diseases. Although his theory of the transmission of the infection through foci (*seminaria*) is not the last word in medical science, yet it is generally agreed that his observations are extraordinarily accurate. In the present instance his belief that the disease was probably carried by the atmosphere and that the upper classes, the *nobiles et delicati* were more liable to it than others has been confirmed by modern physicians. Time and circumstance and other details of the disease prevailing at Trent, correspond to the diagnosis of typhus. This disease spreads when many people are living crammed together, neglecting the rules of hygiene and when in addition there is a plague of lice. It is a typical winter disease. Its focus, in the present instance, was undoubtedly the German theatre of war and from there it was carried into Trent. The list of those who had fallen sick included Canon Balduinus of Trent († 4 March 1547), recently returned from Germany, and two Italian captains. It is natural to suppose that the papal mercenaries streaming back from Germany had carried the disease into Trent where, owing to the overcrowding of the city, it could spread easily. Madruzzo had closed the city to the soldiery, but the measure was ineffective because of the exceptions that were made.

We are better informed about the nature of the disease than about its spread and virulence. Official statistics were not immediately drawn up by the city authorities, though this was an obvious measure and one urged by the imperial side. Apart from a few somewhat vague indications in the correspondence of the members of the Council and Pacheco's report to the general congregation of 10 March, which was based on information he had personally sought, we have no other source of information about the extent of the epidemic than the statements which Severoli, the

promoter of the Council, obtained under oath from nine witnesses, though only on 10 March.¹ These were the two Servites Andrea Mafeotti and Lorenzo Mazochi, the commissary of the Council Antonio Pighetti, two familiars of the Bishop of Saluzzo, Raphael de Paladio and Jacobus de Crescentiis, one of Cervini's familiars, Sylvester de Guaino, with whose position we are not acquainted, Claudius Jacobi of Genoa, and finally the "velutarius" Dominicus de Volano, a resident of Trent, and a Milanese lady of the name of Caterina. It cannot be denied that the choice of these witnesses is one-sided. At least four of them occupied subordinate positions and only two were residents of Trent. Moreover their statements are often extremely vague. Above all it is essential to differentiate between what they had seen with their own eyes and what they only knew from hearsay. If we go by these critical principles we get the following picture:

On 10 February 1547, the legates for the first time mention the appearance of the "spots" ("petecchie") in the region of Trent ("in più parti"). Hence there is little probability that the general of the Observants, Johann Calvus, who died on 21 January, had fallen a victim to the disease, as was subsequently asserted. The Servites Mafeotti and Mazochi testify, from personal knowledge, that the number

¹ The first mention of the "petecchie" occurs in the legates' report of 10 February, *C.T.*, VOL. X, p. 811, l. 16; an incidental mention of the "paura delle petecchie", *ibid.*, p. 833, l. 21; on 5 March they write: "Non credemo, che queste petecchie siano per far troppo male così presto", *ibid.*, p. 835, l. 18. That the Bishop of Capaccio died of this disease is generally accepted; the statements of the nine witnesses on the number of cases of sickness and death given in the text are in VOL. V, pp. 1027-31; data about the number of the sick (40 to 50), *ibid.*, pp. 1027, l. 39; 1029, l. 44. The Spanish jurists furnish the important information that besides some of the residents in the city, "soldados que pasan son muertos", VOL. XI, p. 111, l. 16, and that Canon Balduinus, who died on 4 March, had suffered from the same disease, *ibid.*, p. 110, l. 29. Even that bitter enemy of the legates, Anonymous, VOL. X, p. 884, l. 10, confirms the fact that the sickness had been imported from Germany (in spite of the quarantine mentioned in VOL. I, p. 614, l. 27), and gives the number of victims as 4 to 5. The statement of the praetor of Trent that only two fatal cases had occurred, VOL. X, p. 883, l. 39, is surely too low. Equally too low is the result of the enquiry organised by Pacheco to the effect that of the 35 sick people in the city only 4 or 5 suffered from typhus, VOL. I, p. 140, l. 46; the praetor, VOL. X, p. 883, l. 39, puts the number at 10 or 11. But even so the difference between this and the estimate of the papal side (40 to 50) is still very great. The text shows that I regard Pacheco's criticism of the statements of the witnesses, VOL. I, p. 143, l. 20: "testes sunt suspecti et loquuntur de rebus sibi incognitis", as at least in part justified. On 14 March, that is three days after the translation, a trial was held before the Vicar General, at the instigation of the consuls, of those who had "calumniated" the city, the result of which, as we learn from the protocols of the notary Malpaga, was a justification of the imperial standpoint—as was to be expected. Giuliani, *Trento al tempo del Concilio* (Trent 1883-4), pp. 59 f.; G. Ciccolini, "Riflessi del Concilio di Trento nei registri del notaio Giorgio Malpaga", *Atti della Accademia Roveretana degli Agiati*, VOL. IV, PT IX (Rovereto 1929), published separately, p. 19.

of burials in the cemetery of Sta Maria Maggiore had increased since Christmas and had amounted to as many as four a day within the last few weeks. But whether these deaths were due to typhus they were unable to say—yet this was precisely the thing that mattered. Another witness, Claudius Jacobi, testified that as far as he knew, of the five dead whose burial he witnessed on one day, only one had had typhus. The two Servites only knew from hearsay that the number of burials had also appreciably risen in the cemeteries of the cathedral and S. Pietro; Pighetti too had likewise heard—not seen—that they had amounted to seven or eight a day within the last six days. On the other hand Pacheco stated that the parish priest of S. Pietro had affirmed on oath that, since the beginning of the month of March, only two deaths had occurred in his parish. Caution is equally suggested by the fact that up to 4 March the legates' reports are completely silent about the sickness and the alleged higher mortality, and even on 5 March they do not believe there is acute danger, though they ask for instructions for their conduct in any eventuality. Their conduct does not lend support to the notion that up to the beginning of March the disease was widespread, or that it had assumed the proportions of an epidemic.

It was the death of the Bishop of Capaccio, Enrico Loffredo, on 6 March, that raised the first alarm. This prelate of Spanish extraction, only twenty-six years of age, had been present at the Ash Wednesday ceremonies as recently as 23 February, but was missing from the general congregations on the days that followed, as well as from *Sessio VII*. He was suffering from typhus and his fever rose to delirium. At this time too, several other members of the Council fell sick with the same symptoms. They were the master of ceremonies, Pompeo de' Spiriti, a member of Del Monte's court, and the "maestro di casa" of the Archbishop of Palermo, whose name, however, is not known. The cook of the Bishop of Saluzzo, though on the way to recovery, showed signs of mental derangement which was regarded as the consequence of typhus from which according to Balduini's diagnosis, he had been suffering. People remembered that one of Cervini's familiars, Marco Antonio, whose death seems to have occurred somewhat earlier, had infected his nurse, the witness Caterina. The latter spoke of four other cases which she had nursed, among them the two officers Rodulfus de Pittigliano and Alfonsus de Pisis. The Trent physician Giulio Alessandrini had refused to attend the wife of the witness Dominicus de Volano when she was taken ill with typhus. The latter is the only one



(Photo Alinari)

GIOVANNI MARIA DEL MONTE, later POPE JULIUS III
After a painting by an unknown artist in the Galleria Spada, Rome

of all the witnesses to answer the estimate of the number of typhus cases at Trent given in Severoli's *questionnaire* as forty, by saying that their number was over fifty. Pacheco, on the other hand, maintained that there were only four or five, but the *praetor* of Trent counted—though at a later period—between ten or eleven cases.

A sober examination of all these data on the spread of typhus at Trent leads to the conclusion that there are no sure grounds for assuming the existence of a large-scale epidemic. However, Pellegrini, the historian of medicine, who was also an army doctor, rightly judges that in view of the inadequate preventive measures of the time, even if there had been but one case of typhus, there was sufficient reason for serious alarm. Once the fact of an infectious disease at Trent had been established, there was reason to fear that the Republic of Venice, whose strict health inspectors were regarded as exemplary, would close the frontiers and that the neighbouring States would do likewise. In that case, if they took a long view, the provisioning of the Council would be endangered. It was likewise necessary to reckon with the fact that a further postponement of the decisions which had perforce to be taken would make it impossible for the members of the Council to find accommodation in the neighbourhood at a later date. A panic broke out among the more timorous. As soon as the Session was over, about ten prelates left the city, as some had done after *Sessio* VI. One section of those who remained—those in particular who were weary of the Council—besought the legates to act without delay.¹ They were determined to strike while the iron was hot in order to get out of Trent.

In the general congregation of 9 March, the Archbishop of Matera made himself their spokesman. Belated help, he said, was no help at all.

¹ Composition of the translation party on 9 March: since the legates repeatedly declared that immediately after the Session some twelve prelates had left the city from fear of the sickness, "partim nobis insciis partim etiam contradicentibus", *C.T.*, VOL. I, p. 139, l. 25, it must be admitted that Pacheco was right when he absolutely rejected this assertion and described the departure of the bishops after the Session as no unusual occurrence, *ibid.*, p. 143, l. 30; the same thing had happened after *Sessio* VI. After *Sessio* VII the Bishops of Milos, Motula and Sora, VOL. X, p. 834, n. 6, left and that with letters of recommendation for Rome, VOL. I, p. 622, ll. 39 and 45. The Bishop of Salpi had gone to Brescia and the Bishop of Bitonto to Padua; moreover in the lists of those who voted on 9 and 10 March, the names of the Bishops of Corfu, Clermont, Vercelli and Fano are missing, yet they had assisted at *Sessio* VII; also missing are the generals of the Conventuals and the Carmelites. This gives a total of eleven departures.—On 9 March an immediate translation was only supported by the Bishops of Saluzzo, Vaison, Caorli, Curzola, Belcastro, Melos and Famagusta. The Bishops of Feltre and Isernia were in favour of a translation, but only after previous consultation with the Pope, hence I count them with the third group. The advocates of translation were therefore a small minority.

Even a suspicion of the "plague" was adequate grounds for discontinuing the conciliar discussions. In the previous year two cases of the plague at Rovereto had been enough to shut the gates of all the neighbouring cities to the inhabitants of the territory of Trent, with the consequence that several prelates had been obliged to spend the night in the open. The bishop made a formal request for permission to leave immediately: his one concern was to get out of Trent without delay. Only a relatively small group, led by the Bishops of Saluzzo and Belcastro advocated that the removal from Trent should take the form of a translation of the Council to another locality. A majority demand for a translation was still a long way off.

The legates' proposition of 9 March apparently took the imperial party completely by surprise.¹ In January the Bishop of Astorga had indeed become slightly suspicious when the president casually mentioned an outbreak of "the plague" in Germany. But the disquiet soon died down, especially as the physicians gave an assurance, as late as the beginning of March, that there was no danger of an epidemic. Now, however, an official medical report admitted its existence. It is easy to understand that Pacheco contested it vehemently. However, what he denied was the existence of an epidemic of the plague, and this the physicians to the Council had never asserted. He insisted on a consultation of the local doctors of Trent who, were it only for the sake of their city's reputation, or from political motives, could be expected to deny, or at least to minimise, a danger whose existence the physicians of the Council affirmed. Above all he insisted that a decision fraught with such weighty political consequences could not be taken in a hurry. He demanded a postponement, until Pope and Emperor had been consulted. All the Spaniards present, as well as several others—about a dozen altogether—ranged themselves on Pacheco's side.

¹ In addition to Pacheco the following were, on 9 March, opposed to any change in the status of the Council, whether by suspension or translation, viz. the Bishops of Sassari, Upsala, Palermo, Lanciano, Syracuse, Badajoz, Huesca, Calahorra, Fiesole, San Marco, the Bishop of the Canaries and perhaps the Bishop of Porto. The Bishop of Astorga seems to have been absent on that day. Besides the Spaniards, Severoli, *C.T.*, VOL. I, p. 138, l. 37, names the Bishops of Sassari, Upsala, Palermo, Fiesole, San Marco, Syracuse and—by mistake—the Bishop of Cadiz. On the other hand it is certain that the latter pronounced in favour of a suspension for a short period so that he belongs to the third group, VOL. V, p. 1016, l. 36; he accordingly proposed as late as 10 March that the Pope be consulted before a decision was reached, *ibid.*, p. 1019, l. 48; he even repeated this proposal at the Session but ended by voting for the translation with the proviso: "Si . . . praesidentes in hoc mentem S^{tl}s S. sciunt", *ibid.*, p. 1033, l. 40.—For the earlier observations on the "pestilence" from the imperial side, see VOL. XI, pp. 102, l. 40; 110, l. 3.

A third group adopted an intermediary standpoint. They admitted the existence of danger and were in favour of immediate departure from the city, but would not consent to a translation without a previous consultation at the very least of the Pope. The Bishop of Alba, Vida, was of opinion that in view of the danger of infection no further general congregations should be held. With the opinion of the Bishop of Matera and that of his adherents we are already acquainted. The Bishop of Sinigaglia, the leading brains of the group, proposed that while the epidemic lasted, the prelates should be permitted to withdraw to places no more than a three days' journey from Trent. This would allow time for a consultation with the Pope. This suggestion, which amounted to a suspension of conciliar activity, was supported even by strictly curialistic prelates, such as Ambrosius Catharinus and the Bishop of Pesaro and the generals of the Dominicans and the Servites. Pighino spoke in favour of a suspension of the Council and a consultation with the Pope and the princes. Tommaso Campeggio deemed it imperative that the Pope himself should designate the new locality of the Council.¹ Thus this third group, which was also the strongest, sided with those who favoured a translation in so far as it felt that the danger of typhus had to be taken seriously, while it shared the misgivings of the second group about a hasty translation, especially one carried out without the Pope's knowledge. Together with the second group it was strong enough to prevent a decision for an immediate translation. The fact that it included such convinced curialists as Saraceni, Cicada, Pighino and Simonetta is sufficient proof that the legates were not playing a preconcerted game, for in that case they would not have failed to make sure in good time of those votes for a translation and would have risked a conciliar vote. But if they meant to take the Council by surprise—which, they protested, had never been their intention—the attempt was a failure; that they had no such design is proved by the fact that they did not hesitate to put off a

¹ The third group which advocated an immediate departure from the city, hence, *de facto* a suspension, while it insisted on the Pope being consulted previous to a final decision, included in addition to the adherents of the Bishop of Matera (among whom we must count the Bishop of Albenga and some others), the Bishops of Sinigaglia (its leading figure), Parenzo, Alba, Pesaro, Cadiz, Aquino, Minori, Alife, the two abbots, the generals of the Dominicans and the Servites. The Bishop of Feltre also favoured a delay, as did the Bishop of Isernia and the Archbishop of Armagh. Finally even the Bishop of Bosa, who later on proved a determined opponent of the translation, must be counted with this group. His view was that prayers should be offered for preservation from the sickness while they considered their decision. Since most of the adherents of the third group pronounced in favour of immediate departure from the city, Massarelli, *C.T.*, VOL. I, p. 624, l. 29, counts them among the advocates of a translation; but here too Severoli, VOL. I, p. 138, l. 49, makes a more accurate distinction.

decision until the following day. By so doing they gave the imperial party a chance to prepare for resistance.

After the gathering had dispersed, Pacheco repeated his arguments against a translation in a private conversation with the legates and afterwards took counsel with the crown jurists. He also informed Madruzzo, who since the death of his brother Aliprando had retired to Castello Madruzzo, of what had taken place and sent Quintana to ask him to return at once to Trent.¹ The crown jurists called on the legates and made the following statement: There was no question of a general epidemic in Trent; the city was not a focus of infection; it was not even unhealthy. Only one bishop had died during the two years they had now been at Trent. A few cases of fever, even if they ended fatally, were no reason for moving the Council, especially not with so much haste and without previous consultation of the Pope and the Emperor. Trent had been designated as the locality of the Council in agreement with the Emperor and the Estates of Empire so that there was a legal obligation to obtain the monarch's consent before any

¹ The measures taken by the imperial party between the general congregations of 9 and 10 March are put together in the reports drawn up for the Emperor by Pacheco, the Bishop of Astorga and the crown jurists, *C.T.*, VOL. XI, pp. 110-18. Madruzzo was kept specially informed by his secretary Alberti, VOL. X, p. 882. On receipt of the news of the death of his brother Aliprando, at Ulm (18 February 1547), cf. *N.B.I.*, VOL. IX, p. 482), he had retired to Castello Madruzzo, *ibid.*, p. 825, l. 28, and had not taken part in *Sessio VII*. His passive attitude was one of the chief causes of the defeat of the imperialists. His motive, namely that he was unwilling "to be crucified again because he restricted the freedom of the Council", is given in his letter of 13 March to Morone, VOL. XI, p. 133, l. 10.—The *Sententia de sede Tridentini concilii non mutanda* of the Bishop of Fiesole given by Ehses in *C.T.*, VOL. V, p. 1020, n. 1, is also found in a copy at Madrid, Bibl. Nacional, 9195, fols 18^v-23^v. It is unlikely that it was delivered at the general congregation of 10 March. The same applies to two writings in the same Cod. 9195 of the Bibl. Nac., which are most probably to be traced back to Vargas: "La contradicción que hicieron los ministros de la Mag. de Carlos V para que no se mudasse el Concilio de Trento" (fols. 7^r-9^r); "Oratio ad patres in Tridentina synodo congregatos de ratione non immutanda, authore Francisco Vargas" (fols. 9^r-18^r). The matter of the "Oratio" is nevertheless interesting because it was drawn up during the days immediately preceding the translation and may even have been circulated in manuscript for the purpose of securing votes. In Vargas's opinion the translation would lead to a suspension and even to the dissolution of the Council. With this argument he hoped to attract to the imperialist side the, as yet, undecided group of prelates who on 9 March had spoken in favour of a temporary suspension of conciliar activity. Like the Bishop of Badajoz, Vargas argued that the Council must go on in any circumstances because its main task was not yet done: "quae monstra abusuum domastis? quae de dogmatibus decreta edidistis?" (fol. 11^a, r). If the Council were to dissolve now its convocation would appear to have been a bad joke ("per iocum et risum"); above all the heretics would triumph—had they not always claimed that the Council would never assemble, or else would leave essential matters on one side? He concludes with a list of nine reasons against the translation and appeals to the prelates' conscience: "attendite vobis et universo gregi!"

change of locality could take place. The legates should have no difficulty in retaining the prelates at Trent—at least for the time being.

The legates for their part referred to the doctors' report—it was not a question of a harmless fever. Translation was the only means of preserving the Council from complete dissolution. The jurists repeated their demand for a previous consultation of the Emperor. Del Monte was about to reply when Cervini seized his hand and talked to him earnestly. What the jurists were able to hear (“a lo que tenemos entendido”) came to this: The Pope wants a translation at any price (“que per orden de S. S^d están avisados de hacer esto, con qualquier color que pudiesen”). Then, turning to the jurists, Cervini continued: “The Council has now been at work at Trent for two years without the Germans having put in an appearance. Decisions of importance for Germany (the dogmatic ones) have been taken, the necessary reforms for other countries can be arrived at in some other locality, especially as the Pope's advanced age and the possibility of the Apostolic See becoming vacant, seem to render it desirable that the Council should not remain here where it cannot be easily terminated.”

With this train of thought we are already acquainted. Cervini showed his cards to the jurists with surprising frankness; novel, however, and wholly unsupported by the conciliar correspondence is the assertion he is alleged to have made, that the translation was taking place by order of the Pope. We shall have to deal with this later on. In any case, the result of the conference between the legates and the crown jurists was quite inconclusive.

After the failure of their diplomatic *démarche* with the legates the jurists agreed, on the evening of 9 March, on two further steps, namely, first to get the *podestà* of Trent to have a report drawn up on the state of health of the population on the basis of information supplied by the doctors, the parochial clergy and the tradesmen of the city, for the purpose of refuting the physicians' memorandum, and together with it the legates' allegation of the existence of a dangerous epidemic. Secondly, to do their utmost, jointly with Pacheco, to secure votes against a translation, seeing that the legates on their part were also working far into the night. Meanwhile Quintana had returned from Castello Madruzzo. His report was not encouraging. Madruzzo refused to return to Trent and to throw his weight into the scales as a territorial lord as he had done in July 1546. He excused himself on the grounds that he was inadequately acquainted with the Emperor's intentions and contented himself with sending a courier to the imperial

court—a wholly superfluous gesture, for Pacheco's courier had been on the way for some time already. Madruzzo's advice that they should contact the French envoys was rejected by the jurists as useless and hopeless. One thing was now quite clear: the cardinal was holding back deliberately, for fear of exposing himself anew to the accusation that he had interfered with the freedom of the Council.

Thus the imperial party at Trent was forced to rely on its own resources. Pacheco spent the hours before the next general congregation (15 h., by Italian reckoning 9.15 a.m.) in seeking information about the number of those who had contracted typhus or had died of it, and in studying the teaching of Canon Law about the translation of a Council. However, all the efforts of the imperial party to obtain votes against the translation, or at least votes in favour of a postponement of the decision, were in vain. Those who had been in favour of a suspension went over, almost without exception, to the party in favour of a translation. The general congregation of 10 March accordingly presented a totally different picture.¹

Del Monte opened it with a declaration that now as before the legates were prepared to comply with the wishes of the majority—only

¹ On the decisive general congregation of 10 March, Severoli, *C.T.*, VOL. I, pp. 139 ff., is in many respects more informative than the acts, VOL. V, pp. 1018-24. The legates' two reports of 11 March, VOL. X, pp. 836 ff., do not go into details about the course of the congregation which, says Massarelli, *C.T.*, VOL. I, pp. 624 f., lasted four hours (15 h. to 19 h.) though in fact it lasted more than five hours since Alberti tells Madruzzo, VOL. X, p. 822, l. 1, that it only ended shortly before 3 in the afternoon (21 h. according to Italian reckoning).—There is no sufficient reason to regard Pacheco's discourse in Severoli's version, *C.T.*, VOL. I, pp. 140 f., as a subsequent combination of all the arguments brought forward by those who opposed the translation, as Ehses does, VOL. V, p. 1019, n. 1. While Pacheco argues almost exclusively as a jurist, the *schedae* of the Bishops of Castellamare and Badajoz stress the fact that the Council had not yet accomplished its task. Pacheco's proposal for the formation of a committee for the study of the situation is repeated by the Bishop of Astorga, VOL. V, p. 1023, l. 14, but fits perfectly into the framework of Pacheco's discourse. The text printed in VOL. XI, p. 129, from the Archives of Simancas, only gives the conclusion of the cardinal's explanations as the covering letter expressly states ("concluy mi voto", *ibid.*, p. 114, l. 20). Where could Severoli have found the indication of the numbers in Pacheco's "Information" if not in the vote?—Though no formal voting took place the relative strength of the votes was already evident and substantially identical with the vote of the next day: 40 votes for the translation, that is, the majority, though one of them (the Bishop of Porto) had the condition attached that the fact of the epidemic should first be established; 14 votes against the translation and 3 undecided, while the Bishop of Mirepoix abstained from voting. The Bishop of Cadiz insisted that the Pope should be consulted and the Bishop of Aquino demanded a delay of 4 to 6 days. Severoli, *C.T.*, VOL. I, p. 141, l. 26, counts 16 to 17 adherents of Pacheco, hence adds the 3 undecided votes to those of the minority.—With what care the imperialists watched the attitude of the French appears from the observations of Pacheco, the Bishop of Astorga and the crown jurists, *C.T.*, VOL. XI, pp. 115, l. 17; 116, l. 8; 117, l. 4.

the Council must not be dissolved. But since public opinion would regard a suspension as equivalent to a dissolution, the only practical alternative was a translation. But where to? If they considered that the Council must have an assurance of being received by the competent authorities of the locality selected, and that this locality must not be too distant from Trent so that a speedy return to that city remained possible, and that the locality must be in a position to offer sufficient accommodation and easy means for provisioning, only one city could be considered, and that was Bologna. "There can be no doubt", Del Monte went on, "of our meeting there with a joyous and respectful reception and it would be superfluous to expatiate on the suitability of that city, one of the first of all the cities of Italy." "If the Council moves to Bologna", the president continued, "it will only be three days' journey from Trent—the distance suggested by many; at Bologna it will be possible to hold the Session fixed for 21 April and to await the Pope's decision."

The position was now quite clear. The question for the Council was no longer "what should be done?" as on the day before, but whether or no to move to Bologna. As spokesman of the imperial group, Pacheco answered the question with an emphatic "No!" He began by querying the authority of the physicians' report and the existence of a dangerous epidemic. The investigation initiated by him had shown that up to this time typhus had only claimed a very small number of victims and that of the thirty-five sick people in the city at the moment only four or five were affected by it. The medical report had been manufactured *ad hoc* and did not conform to reality. This was proved by the fact that the local doctors had refused to append their names to it. This disposed of every legitimate ground for a translation. Why not set up a committee of three or four prelates for the purpose of investigating and clarifying the situation? Such a body would be in a position to put before the Council an impartial picture of the state of affairs. But even if it should establish the fact of the existence of a dangerous epidemic the objection remained that the decision for a translation could not be taken without express authorisation by the Pope, and even then it would have to be unanimous, so that a single contrary vote would suffice to prevent it. Unlike the crown jurists, Pacheco did not say that the Emperor's consent must also be obtained, or that the latter was entitled either to give or to withhold his consent, but he did point out that Trent had actually been chosen as the locality of the Council with the monarch's agreement so that the latter would not approve of a

change executed without his having been consulted. The replies of Pope and Emperor would arrive within six or eight days and there was no reason to fear that either of them would suggest their remaining at Trent at the risk of their lives. Why then not put off a decision for a few days?

Pacheco's address had been strictly factual and he had refrained from anything that might be interpreted as a threat. No less factual and moderate in their wording were the rectifications interpolated by the legates before the voting of the Fathers. "If the typhus epidemic is an invention of Fracastoro", they asked, "and only exists in the imagination of the legates, how comes it that the bells are no longer rung at Trent at the burial of the dead? Not only is the epidemic a fact, but Pacheco's juridical objections against a translation based on the existence of sickness are without value. There is neither legal necessity for a previous consultation with the Pope since the legates enjoy adequate powers, nor of unanimity: the decision of the majority is binding on all."

These rectifications by the legates did not prevent fourteen prelates from siding with Pacheco. Five of them went even further; they formally protested in advance against a translation. They were determined, they declared, to remain at Trent and to continue the Council there. In the written declaration which the Bishop of Badajoz, one of the five, placed with the acts, that excellent prelate gave full vent to his profound disappointment with what the Council had achieved so far. "How", he asked, "could Cardinal Cervini claim yesterday that the Council's main task is accomplished? Five out of seven sacraments have still to be discussed, as well as the sacrifice of the Mass, the primacy of the Pope, the authority of the Church, the veneration of the Saints, Purgatory, the vows of religion, clerical celibacy. As for the reform, so far next to nothing has been done. Above all, is it right that this Council, which was convened here at the request of the Emperor and the German nation, should be transferred to Italy at the very moment when the monarch's military successes raise the hope that Germany will be represented at the Council?"

Opposition on the part of the imperialists to the translation, and even a formal protest on their part, was to be expected. However, the great surprise of the general congregation of 10 March was the almost complete dissolution of the party of the advocates of a suspension. With only a few exceptions (the Bishops of Cadiz, Aquino) its members went over to the side of those who favoured a translation, with the

result that there was a two-thirds' majority of forty votes in favour of an immediate translation to Bologna. It is natural to ask, "How is so surprising a change to be explained?" We shall have to deal with the question more fully later on, but we may even now draw attention to the following explanations—all of which are possible.

It should have been relatively easy to win over those who were opposed to a translation previous to a consultation with the Pope; all the legates had to do was to inform them of the existence of a secret document in their portfolio which authorised them to transfer the Council. This document invalidated the argument which had undoubtedly proved decisive for the strict curialists, namely that an independent decision to move the Council would not be far short of recognising the superiority of the Council over the Pope. The other members of the middle party who had advocated a temporary suspension of conciliar activity had probably come to the conclusion that the execution of their proposals was bound to bring about the dissolution of the assembly which they were no less anxious to prevent than the legates. This argument would prove decisive especially in the case of prelates with a leaning to conciliar theory, for instance the Bishop of Sinigaglia. But once the idea of a suspension was dropped, a translation was the only alternative for those who accepted the medical report. Even non-Italians, such as the Archbishops of Upsala and Armagh, pronounced in its favour. On the other hand Claude de la Guiche, the only Frenchman present and recently raised to the see of Mirepoix, shirked a decision and abstained from voting. He was the only remaining bishop of the very small French delegation; the Archbishop of Aix lay sick and the Bishop of Clermont had left the city shortly before, recalled as he said, by his sovereign.

Sure as they felt of victory, the partisans of a translation had at first thought of following up the general congregation with a Session in order to put the decision for a translation beyond a doubt. Some of the prelates had even brought the requisite liturgical vestments in readiness for such a function. However, the meeting had been drawn out until the third hour of the afternoon so that the Mass of the Holy Ghost with which every Session had to begin could not be celebrated because it was so late in the day. The Session was accordingly put off until the following morning. In this way the leaders of the Council gained sufficient time for the interrogation, by the promoter of the Council, Severoli, of the nine witnesses on the spread of typhus and so to cross Pacheco's demand for the appointment of a committee for the purpose

of furnishing a documentary basis for the decision to translate the Council. But this was a grievous mistake. The statements made before Severoli by the witnesses were no substitute for an enquiry on a broad basis, with the participation of the opposition.

Sessio VIII opened on the morning of 11 March (14 h. = 8.15 a.m.) with the Mass of the Holy Ghost celebrated by the Bishop of Bertinoro, without the customary sermon, and solemnly confirmed the decision arrived at on the preceding day.¹ Once again the president gave a summary account of the circumstances that had led to it. Once more he insisted that it did not stem from the wishes or the will of the legates (*nos auctores aut persuasores esse nolle*), but that it was the result of a free determination of a conciliar majority. The legates had been prepared to remain at Trent at the risk of their lives if the majority decision had been in favour of the Council continuing in that city. But since the majority insisted on an immediate change of locality, and because a suspension would have been identical with a dissolution—a thing to be avoided in any circumstances—there only remained the possibility of a translation, and of a translation to Bologna, because that

¹ The acts of *Sessio* VIII on 11 March 1547, with the statements of the witnesses, *C.T.*, VOL. V, pp. 1025-36. The gospel was taken from Matthew x, 7-14 (not xxviii, 19 as Eshes emends), for on the imperial-side v. 14 of this pericope ("excutite pulverem de pedibus vestris") was interpreted as a reference to Trent, *C.T.*, VOL. XI, p. xxxviii, l. 29. Severoli, VOL. I, pp. 142 ff., once more gives Pacheco's vote more fully and more accurately, as we gather from the latter's report, VOL. XI, p. 117. He also has the verbal exchange between Pacheco and the only Frenchman at the Session, the Bishop of Mirepoix (described as Bishop of Agde after his former see), to which the legates also refer in their report of 11 March, VOL. X, p. 838, l. 15. This report is a justification of the decision to translate the Council rather than an accurate account of the proceedings on which a letter of the same date to Verallo, *ibid.*, pp. 838 f., is far more informative. The letter to Dandino of the same day has apparently not been preserved. The anonymous abusive letter, probably the work of Pratanus, *ibid.*, pp. 884 ff., speaks for itself, while Abbot Luciano's letter to the Duke of Ferrara is much more reserved but obviously inspired by great anxiety, *ibid.*, pp. 882 f.—Massarelli also gives the result of the vote, *C.T.*, VOL. I, p. 625, l. 37, on the basis of the acts (39: 14); yet in the acts he counts the 5 split votes with those of the majority and arrives at 42: 14 (leaving out the legates' votes), VOL. V, p. 1035, l. 18. Severoli apparently does not count the votes of the legates and the generals of Orders and accordingly has 34: 14, VOL. I, p. 144, l. 7. Abbot Luciano has 38: 15, with 4 conditional votes, VOL. X, p. 883, l. 5. When Páez de Castro asserts in his letter of 3 April 1547 to Zurita, VOL. XI, p. xxxviii, that the *schedae* of the opponents littered the floor of the room, there can be no question of the vote at the Session since this was held in the church of San Vigilio; but that they were missed for a time appears from VOL. XI, p. 144, l. 23. On 13 March the French ambassador d'Urfé reports that the translation was "si soudaine qu'il estoit impossible d'avoir le temps d'en avertir V. M. ny aussi l'Empereur ny autres princes" (Ribier, *Lettres et Mémoires*, VOL. I, pp. 622 f.). He does not mention the Pope; he thinks the Council would have dissolved itself "pour la crainte de la mort" of the prelates. For the rest he makes no mystery of his delight at the event: "Vous en aurez le gré des deux parties du Pape et de l'Empereur."

city was able to meet all the demands that would be made upon its resources. For the sake of the preservation of the Council its members could not be left free either to stay or to go.

Severoli then called upon the notary of the Council, Claudius della Casa, to read the statements of the nine witnesses on the spread of typhus. The memorial of the physicians was placed, unread, with the acts, since it had already been submitted at the general congregation of 9 March. When this was done the president himself put to the assembly the two questions which constituted the subject-matter of the decree of the Session. (1) Is there agreement that in view of the outbreak of typhus at Trent the prelates cannot remain any longer in that city without endangering their lives and that they cannot and may not be detained here against their will? (2) In order to avoid the threatening dissolution, or the paralysing of the Council, is the assembly prepared to decide its temporary translation to Bologna, a locality suitable in every respect, there to hold the Session fixed for 21 April, and to go on with its task until such time as the Pope and the Council, in agreement with the Emperor, the most Christian King and the other Christian kings and princes, shall judge it opportune to return to Trent, or to remove to some other suitable locality?

The votes on these two questions, which were collected by the secretary of the Council and its notary, Claudius della Casa, were divided as follows: thirty-nine in favour of the translation, fourteen against it and five split votes. Thus the translation to Bologna commanded a two-thirds majority.¹ It is not the result, which was assured since the general congregation of the preceding day, but the formulation and the motives of the votes that call for closer examination.

¹ The decision of 11 March 1547 in favour of the translation commanded a two-thirds majority. The law did not require such a majority. Pacheco insisted on it solely on the strength of the decree *Frequens*, of Constance, *C.T.*, VOL. I, p. 143, ll. 25 and 30, and only in general terms, VOL. V, p. 1032, l. 42. In Spain this decree was thought to be valid in law. However, *Frequens* only speaks of a Council *already proclaimed* by the Pope. In that case the decree demands a two-thirds majority of the votes of the *cardinals* if a translation was to be made, Mansi, VOL. XXXIX, 1159: "Sed si forte casus aliquis occurreret, quo necessarium videtur, ipsum locum mutari, puta obsidionis, gerrarum, pestis, aut similis, tunc liceat summo pontifici de praedictorum fratrum suorum (i.e. cardinalium) aut duarum partium ipsorum consensu atque subscriptione, alium locum prius deputato loco viciniorem et aptum sub eadem tamen natione subrogare", etc. Obviously then, supposing that *Frequens* remained valid—a hypothesis we do not grant—its prescriptions were not applicable in the present instance, so that it could not be appealed to, Jacobazzi, *De concilio*, VOL. III, p. 10 (cf. *C.T.*, VOL. V, p. 1019, n. 2); though in another place Jacobazzi demands a "causa gravis et legitima" for the translation by the Pope of a Council already assembled, cf. J. Klotzner, *Kardinal Dominikus Jacobazzi und sein Konzilswerk* (Rome 1948), p. 158.

The five split votes were the remainder of the middle party. Florimonte, Bishop of Aquino, in the kingdom of Naples, had evidently not been fully convinced either by the memorial of the physicians or by the statements of the witnesses, hence his *placet* was qualified by a reservation, namely "if what is said about the sickness is true". The vote of the Bishop of Cadiz was dependent on another condition: "If the presidents are cognisant of the Pope's intentions, I side with the majority." Neither of these votes could be counted with those of the majority. The votes of the Bishops of Sinigaglia and Porto were inspired by justified concern for the unity of the Council. The former added the following clause to his *placet*: "If the minority cannot be persuaded to accept the decision, and if there is a danger of a schism, I deem it right that we remain here." The Bishop of Porto spoke in similar terms: "What I am concerned about is not whether we should stay or go, but the unity of the Council." Abstention from voting, in the strict sense of the word, was only practised by the French prelate, as he had done on the preceding day. However, no sooner had Claude de la Guiche stated his opinion than Pacheco protested against the abstention and insisted on a clear "Yes" or "No". De la Guiche was not to be intimidated. He stuck to his *non liquet* even when the cardinal obstinately maintained the view that there were legal means to compel him to decide either for or against the translation. However, aware as he was of the political bearing of this abstention, the jurist Cicada immediately offered his assistance; in a college of judges, he maintained, it is perfectly permissible for an individual member to withhold his vote. Pacheco's attempt to compel the only Frenchman present to come to a decision had failed.

The opponents of the translation kept close together, as they had done at the general congregation of 10 March; not a single vote crumbled away from the opposition block, but a careful perusal of the votes nevertheless shows that the imperialists spoke with more self-imposed moderation than on the previous day. They could afford to do so for in the general congregation they had made it perfectly clear that they contested the existence of a legitimate ground for the translation, hence also the validity of the decision that would be taken, and that they would lodge a protest against it. They were not to be put off by the statements of the witnesses which, Pacheco objected, had been obtained by the promoter of the Council without his having been commissioned by it. They were, therefore, formally null, quite apart from the fact that their content was not convincing. It is not easy to

explain how Pacheco came to contest the fact of a two-thirds majority which, in view of the voting on 10 March, could no longer be called in question. His mistake, which it is possible to understand, was due to the fact that he looked with passionate eagerness for formal reasons against a translation, while he suppressed the political motive which in his case was the paramount one. The Archbishop of Sassari was much more impressive: "The translation", he said, "endangers the return of the erring Germans as well as the peace and unity of the Church." Only two members of the minority, namely the Bishops of San Marco and of the Canary Isles, insisted on the Emperor being consulted. Two others (the Bishops of Syracuse and of Calahorra) complained of the excessive haste of the whole of the proceedings. But what was most surprising was that the four bishops of the imperial group, that is the Bishops of Bosa, Castellamare, Lanciano and Astorga criticised the decision on the ground that it had been taken without a papal commission to that effect. If there was such a commission, the Bishop of Astorga declared, he was ready to go to Bologna, although that city could hardly be regarded as free.

The legates were gratified by the acknowledgment of the Pope's supremacy over the Council implied in the votes of these prelates. In their heart of hearts they may well have felt that of all the arguments against their action none was fraught with greater danger for themselves, for they had no specific command from the Pope. However, in order to prove to the Council that they held a general authorisation by the Pope, empowering them to translate the Council, they laid before the assembly, as soon as the voting was terminated, the Bull of 22 February 1545, which authorised them to transfer the Council to a place which, in their judgment, would be more suitable (*quandocumque vobis videbitur*), and to forbid those who remained behind to continue the discussions. Up to this time the existence of the Bull had been so close a secret that when Massarelli concluded the reading of it a breathless silence held the assembly. The authorisation to transfer the Council was two years old but it had never been revoked. No longer could anyone say that the legates had exceeded their powers and had acted in opposition to the view they had always upheld—that the Pope and the Council constituted one body. On the basis of this authorisation the president then confirmed the decision just arrived at, forbade anyone to contest it, and ordered all present to appear at the next Session, on 21 April, at Bologna. "Neither divine nor human law", he added, "neither Pope nor Emperor compel the members of the Council to risk their lives, and neither Pope

nor Emperor would urge them to do so; hence we declare that the translation of the Council to Bologna has been legitimately reached and must stand: here (at Trent) there is no longer a Council."

In the case of some of the Fathers of the Council the departure degenerated into a regular flight.¹ The last notes of the *Te Deum* had scarcely died away when they mounted their horses that had been kept waiting for them, or entered boats which were ready for them on the banks of the Adige, so great was their anxiety to turn their backs upon the city with all speed, while some set out on foot. One eye-witness—not an unprejudiced one it is true—claims to have seen one bishop who had not even taken time to remove his pontifical vestments but rode through the city in full pontificals, amid the jeers of the onlookers. However, the panic was by no means general; Lippomani, for instance, only left on 13 March, two days after the Session, and two prelates of the majority party, the Archbishop of Naxos and Benedetto de' Nobili, waited one day longer. The two Jesuits Salmeron and Lainez left the

¹ Anonymous's report on the flight from Trent, *C.T.*, VOL. X, p. 884; also *N.B.I.*, VOL. IX, pp. 656 ff. Juan Páez de Castro claims to have heard, VOL. XI, p. xxxviii, that some of the departing prelates turned towards the city and exclaimed: "Farewell you Marraños" ("allà quedados Maraños"); but he also asserts that the translation had been decided on the advice of an astrologer. Information about the departure of Lippomani and the Bishop of Porto, VOL. XI, p. 138; of the two Jesuits, *ibid.*, p. 156, l. 27. According to a letter to Giovanni della Casa, dated 30 March, from a secretary whose initials were J.B., Grechetto was also at Venice at this time, or at Padua, Bibl. Ricci 4, fol. 217^r.—Massarelli's account of the journey of the legates to Bologna, *C.T.*, VOL. I, pp. 629-32, and VOL. VI, pp. 1, 4 f., is supplemented by the letters of the legates to Farnese, VOL. XI, pp. 135 f., 140 f., and the letter of the Bishop of Matera, *ibid.*, p. 136, n. 3. On the 14 March the legates wrote to Della Casa from Verona, Bibl. Ricci 4, fol. 127. The legates' uncertainty about the reception in Rome of the decision in favour of the translation, and that there was no question of "jubilation", as Druffel (*Sendung des Cardinals Sfondrato*, p. 318) imagines, appears from their remarks in *C.T.*, VOL. XI, pp. 141, l. 37; 145, l. 5. That their anxiety was justified we learn from the Bishop of Albenga's letter from Rome dated 2 April, *ibid.*, p. 152, n. 2. Meanwhile the consistory had decided for the translation on the 23rd (or 24th), VOL. I, p. 633.—In the list of those who had remained at Trent, *C.T.*, VOL. V, p. 1037, the name of the Bishop of Fiesole is missing, though it is certain that he was still at Trent at the beginning of April, since he and the other prelates still at Trent were summoned by the legates on the 12th to set out for Bologna, VOL. I, p. 638, l. 40; cf. VOL. XI, pp. 167 f., 142, n. 5. For the Bishop of Porto see also VOL. XI, pp. 134, l. 10; 151, l. 15; 156, l. 25; cf. J. de Castro, *Portugal no Concilio de Trento*, VOL. II (Lisbon 1944), pp. 316 ff. The Archbishop of Armagh's letter of 17 March from Trent which Buschbell failed to discover, *C.T.*, VOL. XI, p. 147, n. 1, was published by P. F. Moran, *Spicilegium Ossoriense* (Dublin 1874), pp. 30 f. In a letter to Pagni of 2 April 1547 (State Arch. Florence, Med. 384, fol. 3^r), Camaiani asked for instructions because regular postal connection with Bologna had been interrupted so that regular reporting had become very difficult. The Pope's remark in the consistory on 23 (24) March "che dessi prelati erano restati, non motu proprio sed metu proprio" is found in the report of Ruggieri, the Ferrara agent in Rome, *N.B.I.*, VOL. IX, p. 528, n. 1.

city together but did not go direct to Bologna but to Padua, where Salmeron suffered so severe an attack of typhus that the doctors despaired of his life.

On the very day of the Session the legates sent a report to Rome of all that had taken place, informed the two nuncios, Verallo and Dandino, took leave of Cardinal Madruzzo by letter and announced their forthcoming arrival at Bologna. They left their luggage to come on by boat, and they themselves set out on the morning of 12 March, in the company of five bishops, their friends the Bishops of Matera, Vaison, Bertinoro, Alife and Minori. They took their midday meal at the Carmelite monastery of Rovereto to which the general of the Order, Audet, had betaken himself. They spent the night at Borghetto; on the 13th they reached Verona, where the city authorities and the nobility, headed by Count Lodovico Nogarola, awaited them. They stayed one day in the Olivetan monastery of Santa Maria in Organo to await the arrival of the members of their household and their luggage. When these failed to arrive they continued their journey on 15 March. At Roncanova they waited another day for their luggage, but in vain. On 18 March they embarked at Ostiglia on the Po, together with the Archbishop of Naxos and Benedetto de' Nobili who had awaited them there, and so journeyed as far as Ferrara where the Duke called on them at the hostelry of the Olivetans of San Giorgio. On the following day, again by boat, they reached the frontiers of the States of the Church at Mal Albergo. On the 20th they sailed down the Reno as far as Cortisella and from there, escorted by the *Governatore* of Bologna, the Bishops of Mallorca and Belcastro and representatives of the Bolognese nobility, they repaired to the Olivetan monastery of San Michele in Bosco, which was to be their residence until the lodgings they were to occupy at Bologna were ready for them. On 22 March Cervini, escorted by nine bishops, made his entry into the new conciliar city. Del Monte followed him four days later. He was suffering from one of his frequent attacks of gout, but the chief reason for his tardy arrival was probably of a different kind.

The fact was that Rome wrapped itself in complete silence and first reports from the imperial court were highly disquieting. In the complete uncertainty as to how their independent action had been viewed by the Pope, the legates excused it by pleading the shortness of time and offered to justify themselves in person in Rome. To the Pope they suggested that he should "dividere il fatto dell' affare", that is, that while he recognised the translation as legitimate he should himself

keep a free hand with regard to its political aspect. "There is only one thing that we take leave to say boldly, namely that it is our opinion that if the translation is valid in law, it may not in any circumstance be invalidated by His Holiness." In this sentence the legates betray all the uncertainty and the grave anxiety as to how their action would be appreciated in Rome. Their anxiety would have been far greater if the Bishop of Albenga, who had hastened to Rome, had informed them at once of the chilly atmosphere that prevailed there at first. It was no less a disappointment for them that the bishops of the majority party were in no hurry to make their way to the new locality of the Council. On 18 April, three days before the Session, only seventeen had put in an appearance.

The minority that had remained at Trent numbered fourteen prelates. Besides Pacheco they were the five Spanish Bishops of Badajoz, Astorga, Calahorra, Huesca and the Canary Isles. To them must be added the Archbishop of Sassari in Corsica and the Bishop of Bosa in Sardinia, both of them of Spanish origin, as were the Bishops of Castellamare and Lanciano in the kingdom of Naples. The Archbishop of Palermo and the Bishops of San Marco and Syracuse were Italians but vassals of the Emperor. Of all those who had stayed behind, the Bishop of Fiesole was the only one who had no connection with the imperial party, either by reason of his origin or of his political allegiance. The imperial party almost succeeded in persuading the Bishop of Porto, Balthasar Limpus, a Carmelite, to stay behind. In the Session he had been one of the undecided, but as soon as it was over he had arranged to go to Verona on 2 March, in the company of Lippomani, whom he had come to know during the latter's nunciature in Portugal. His luggage had already been put on board ship when the Spaniards persuaded him to remain for the time being. He justified his conduct by pleading that his sovereign, the King of Portugal, had sent him to Trent and had instructed him to join the party of the imperial prelates. Steps were immediately taken in Rome to get the Portuguese ambassador, Balthasar de Feria, to order the bishop to proceed to Bologna. When one of his servants died from typhus before the end of March, Limpus set out for Padua and from there went to Venice; he had made up his mind to bide his time and wait for events. The Frenchman Claude de la Guiche, Bishop of Mirepoix, acted in like manner: he betook himself to the court of the French princess Renata at Ferrara, while waiting for instructions from his government.



(Photo Alinari)

DIEGO DE MENDOZA

After a painting by Titian in the Galleria Pitti, Florence

If the minority at Trent consisted almost exclusively of Spaniards and of vassals of the Emperor, the majority section then gathering at Bologna was made up of Italians and such prelates as were financially dependent on the Curia. At Trent they waited for the Emperor's word, at Bologna for the Pope's; in neither locality was the situation very promising. The Archbishop of Armagh, who was still in Trent on 17 March, did not get the impression of the existence of any schismatic tendencies in the group of imperial prelates. A number of them had assured the legates of their loyalty at the moment of the latter's departure. It would surely be going too far were we to imagine that their decision to remain at Trent was prompted by fear of the Emperor. They sincerely believed that typhus was not an adequate ground for a translation and felt it to be their duty to wait for an expression of the Emperor's will. Though there was no doubt about his disapproval of the translation, it was not evident what counter-measures he would judge desirable. Should the minority, once it had made up its mind that it was not bound by the translation, constitute itself into a rump-Council?

No less uncertainty prevailed at Bologna up to the end of March. The decision to transfer the Council had been arrived at in forty-eight hours; but now the risks which had been so lightly accepted before their full extent had been considered, began to make themselves felt. The translation seemed to have come about as an independent act of the Council. But was it really as autonomous as the leaders claimed and the majority imagined it was? The decision may have been taken at Trent, but did not the determination originate elsewhere? Perhaps in Rome?

The weighty consequences of this step demand a critical examination of our account of it. We accordingly take up once more the decisive points in order to link up with them such questions as force themselves upon the attention of the historian.

(1) The sickness which was alleged as the motive for the translation was no fiction. The opposition treated it as such because it would not give credence to the realisation by a great physician, one far ahead of his time, of the fact that typhus was a dangerous infectious disease which demanded precautionary measures. Hence the existence of a legitimate motive (*legitima causa*) in the canonical sense cannot be denied. But it does not follow that this was the only motive for the translation, still less the chief one. From all we know of the legates' earlier plans for a translation and of the Italian prelates' weariness of the Council, but above all the change in the papal policy since the beginning

of the year 1547, other additional motives are not only possible but probable.

(2) Our sources show that the legates had made no advance preparations for such a step. The Bishop of Capaccio died of typhus on 6 March, but it was only on the 9th that the legates initiated a discussion as to whether any conclusions were to be drawn from the outbreak of the sickness. Besides the advocates of a translation and its opponents there was a strong group who thought that a temporary suspension of conciliar activity would be an adequate preventive measure against the danger of infection. This group disintegrated almost completely on the following day and an overwhelming majority pronounced in favour of translation. When we attempt an explanation of these facts a number of questions arise at once: Why did not the legates open the discussion immediately after the Bishop of Capaccio's death, but allowed three days to go by? Was it because of a rapid spread of the disease? We have found no convincing proof of its being so. Did they get orders from Rome during that interval, or at least a hint? What motives decided the middle party to pronounce in favour of a translation on 10 March?

(3) The legates declared repeatedly, and in a striking manner, that they did not want to be regarded as the originators of the translation, and they likewise repeatedly stated their readiness to comply with the will of the majority. Was this indifference mere pretence or was it genuine? In other words: did the initiative actually come not from the legates but from another quarter, and if so, from which?

The most obvious answer to all these questions would be to say that between 6 and 9 March the legates received secret instructions from Rome which caused them to make of the outbreak of sickness at Trent the pretext for their surprising proposal of 9 March which also induced the middle party to give up its opposition on the following day. As a matter of fact a message did come from Rome on 7 March, but we are not fully acquainted with its contents; all we possess is the document recalling Del Monte dated 2 March and a letter from Maffeo to Cervini dated 3 March, but not the letter addressed to the legates jointly, which in all probability arrived by the same post. Did it contain a papal command, or at least a hint that they should transfer the Council?

The imperialists were firmly convinced of the existence of such an order or hint from Rome.¹ The Spanish crown jurists claimed to have

¹ The imperialists' suspicion that the legates were acting under orders of the Pope, *C.T.*, vol. xi, pp. 114, l. 30; 115, l. 35; 134, l. 21, was shared by the Emperor himself,

overheard a remark to that effect by Cervini in the course of the conference with the legates on the evening of 9 March. They heard what they wished to hear, for in our sources there is not the slightest trace of a papal order of this kind whereas there are solid grounds for denying its existence. To begin with, in the above hypothesis Del Monte's request for his recall would have been perfectly meaningless. Moreover, how could the legates' report of 11 March start by saying that the news of the translation would come as a great surprise for the Pope and his nephew ("si maravegliaranno")? When in the Session several members of the opposition (for instance, the Bishops of Castellamare and Astorga) based their rejection of a translation on the absence of a papal order, why did not the legates produce that order from their brief-case instead of a two-year-old authorisation for such a move? Why, before making their entry into Bologna, were they so anxiously waiting for a word of approval from the Pope and at the same time protesting their readiness to present themselves in Rome in order to justify their conduct? If they had a written mandate in their hands, an explanation in Rome was superfluous; yet when they were reproached for having acted independently in so grave a matter, whereas they had invariably consulted Rome in the smallest matters, they defended themselves with the simple statement: "There was no time for consultation!"

However, there is yet another possibility which we must examine, namely that the Pope's order may have been given by word of mouth. Sarpi claims to have unveiled the mystery of the secret message. One of Del Monte's familiars was despatched to Trent immediately after *Sessio* VII and through him the Pope instructed the legates to transfer the Council to Bologna, but to do it in such wise as to make it appear that it was their own work ("operare che fosse fatto da' legati come da loro").¹ "Cervini", Sarpi writes, "hesitated at first, but the bolder

N.B.I., VOL. IX, p. 537. The passage in the legates' letter of 11 March that the Pope would be surprised on hearing of the translation is in *C.T.*, VOL. XI, pp. 143 f.; the remark that there was no time to consult Rome, *ibid.*, p. 142, l. 42. I grant that in Sarpi's theory the keeping back of an order that may have existed can be explained, but the force of the argument depends on its connection with the rest.

¹ Sarpi, *Istoria del Concilio Tridentino*, BK II, ch. 10, ed. Gambarin, VOL. I, pp. 427 f.; Pallavicino, *Istoria del Concilio di Trento*, BK IX, ch. 13, ed. Zaccaria, VOL. III, pp. 54 f. The suspicion "che M. Giuliano Ardinghella sia stato il Mercurio" is mentioned by Bianchetti writing to Della Casa on 19 March 1547, Bibl. Ricci 5, fol. 231^v. The letter to Del Monte accrediting Ardinghella, *C.T.*, VOL. X, p. 831, n. 2. Besides offering condolence on the death of Madruzzo's brother Aliprando, he was charged with yet another mission, namely to sound the cardinal about a journey to the imperial court, *N.B.I.*, VOL. IX, p. 497, note. But as the legates informed Della Casa on 12 March, Bibl. Ricci 4, fol. 129^r, he only passed through Trent on the 11th: "M. Giuliano

Del Monte carried out the order in the greatest secrecy, using the epidemic as a pretext." Pallavicino recognised this story for what it was and refuted it, but it is nevertheless based on a fact round which Sarpi spun his tale. On 6 March a "gentilhuomo" actually left Rome for Trent. He was Giuliano Ardinghello, a brother of the cardinal of the same name and a member of the court of Cardinal Farnese. His mission was to offer Cardinal Madruzzo Farnese's condolence on the death of his brother Aliprando. In imperialist circles in Rome it was, however, whispered that besides this official mission he was charged with yet another—none other than the Pope's hint to the legates to transfer the Council to Bologna. If Ardinghello had travelled with the same speed as a courier he could have been at Trent on 9 March, but as a matter of fact he only got there on the 11th, not on the 3rd, as Sarpi alleges, hence after the Session at which the translation was decreed. Thus there can be no question of his having been the bearer of a secret message which would have led to a translation.

It follows that the plan for such a move must have originated at Trent. The question is "with whom?" Was Del Monte the driving power, as Sarpi would have us believe, or was it Cervini? Or must we likewise reckon with the high curial officials whose activities we have followed up from the last days of November 1546?

If we refuse simply to brush aside the legates' repeated declaration that they did not want to be the authors of the translation—and there is no cogent reason for our doing so—if, moreover, we consider the state of mind of the general congregation on the 9th and its reversal on the 10th, the most obvious explanation is that the plan for the translation originated in the anxiety of a number of Italian prelates to guard themselves from typhus and to escape, on this plea, from the depressing atmosphere of Trent. The medical report gave them their chance. If the legates had been content to listen to their wishes and had left the suspension of conciliar activity as well as permission to leave the city to a conciliar decision, the Council would have scattered in every direction and no one would have been able to tell when a quorum could once more be brought together. In that event Cervini's plan for the termination of the Council within the next few months could not have been given effect. If the Council was to be saved from dissolution there was no other means than a translation. When they insisted that

Ardinghello passò de qui venerdì . . . dicendoci esser mandato dal R^{mo} Farnese al R^{mo} di Trento"; hence Ardinghello's sojourn at Trent on 13 March mentioned by Pacheco, *C.T.*, VOL. XI. p. 134, l. 22, was on his return journey.

in no circumstances must the Council be allowed to disintegrate, the legates, without any previous determination to propose a change of locality, nevertheless turned the minds of the Fathers in that direction. From all we know of Cervini's plan for the Council, it was he, not Del Monte, who by this time had been relieved of his duties, who on 10 March brought about the change from a suspension to a translation. It fitted in extremely well with his plan for a speedy termination of the Council, regardless of Germany. At Bologna there could be no repetition of the incidents which at the end of July, after the outbreak of the war of Schmalkalden, had enforced a prolongation of the stay at Trent, and at Bologna Cervini would be further out of reach of the Emperor's vengeance, with which he had been threatened at that time. Nor must we completely exclude the possibility that Filippo Archinto, the Pope's Vicar General, who had already on 9 March suggested a translation and who produced two of his familiars as witnesses to the risk of typhus, had likewise influenced the legates in favour of a translation. But he can hardly have been the originator of the idea, since more than six months earlier, in a confidential letter to Maffeo dated 26 June 1546, Cervini had suggested a transfer to Bologna for the duration of the war of Schmalkalden. On that occasion he was told that the time was not yet! All the later plans for a suspension or a translation had failed, not only because the legates shrank from assuming responsibility for such a step, but likewise on account of the Pope's hesitation. Since the completion of the decree on justification Cervini felt so sure of the Pope's trust in him that he dared what he did not dare in the summer of 1546, that is, to act without previous consultation of Rome. He could take it for granted that the translation would fit in with the Pope's political plans and would meet with his subsequent approval. The Emperor was right when in a bitter tone he told Verallo at the latter's first audience after the translation: "This is the work of the Cardinal of Santa Croce."¹

¹ Cervini's proposal on 26 June 1546 to transfer the Council to Bologna for the duration of the war, *C.T.*, VOL. X, pp. 541, l. 10; 542, l. 6; Farnese's answer, *ibid.*, p. 549, l. 13. The Emperor's complaint: "This is the work of the Cardinal of Santa Croce", *N.B.I.*, VOL. IX, p. 538. Soon after the translation Cervini's step-brother, Romolo, congratulated the cardinal: "te tandem Tridento ereptum tamquam e carcere evolasse eoque incolumen pervenisse unde liberioribus quodammodo oculis celum suspicere possis." The undated letter must be placed in March 1547; it is printed by L. Dorez in *Revue des Bibliothèques*, v (1895), p. 175.—Pastor, VOL. V, p. 610 (Eng. edn. VOL. XII, p. 355), also describes the translation of the Council to Bologna as over-hasty. Brandi, *Kaiser Karl V*, VOL. II, p. 384, describes the express authorisation by the Pope as a mistake and admits that the Curia hesitated for a long time. Ranke's exclamation is found in his *History of the Popes* (Leipzig 1878), p. 135.

The reconstruction of the process of the translation as here presented cannot claim to be based on conclusive proofs: for all that it offers a plausible explanation of the sources which is not countered by any irrefutable arguments. The view of the imperial party at Trent, which is also maintained by Sarpi, that the Pope was the immediate originator of the translation, has been abandoned not only by Pastor but also by Brandi. That view postulates a papal commission of the existence of which there is no proof whatever, whereas there are solid arguments against it. Even if we assume that every trace of such a commission had been successfully removed from the official correspondence, it is not very likely that the group of the initiates would have guarded the secret so strictly, and kept up the deception so consistently for several weeks that not an inkling of the truth ever leaked out, while it is altogether improbable that the sudden arrival at Trent of a Roman messenger would pass unnoticed, or that none of the guardians of the city gates, or some local member of the opposition party who saw him, would report the stranger's arrival. But if the decision for a translation originated at Trent its author can hardly have been anyone but the legate Cervini with whose conception of the Church and the future of the Council such a decision coincided to perfection. The scheme came to a head as a result of the outbreak of typhus and the wish of the Italian majority to escape both from the danger of infection and from a locality that was hateful to them. There was no double-dealing at Trent—but a grievous and fateful mistake was made.

The translation to Bologna crossed the great plan of which the Council was one of the elements from the beginning, and this at the very moment when the Emperor's military victory over Schmalkalden opened the door for its realisation. If the Pope approved and upheld it, relations between him and the monarch would be definitely broken. The latter would never succeed in persuading the German Protestants to recognise, or to send representatives to a Council held in a city of the Papal States, and it would be equally impossible to enforce in Germany a Church reform decreed at Bologna. The dissension between Pope and Emperor which now broke out proved the salvation of the German Protestants at the moment of their greatest peril. "It is wonderful", Ranke exclaims justifiably enough from his point of view, "it is wonderful how once again dissension between the Papacy and imperialism, provoked by the former's political attitude, came to the rescue of the Protestants!" The *Interim* of Augsburg was an expedient compromise; the belated return of the Council to Trent under Julius III was no

compensation for a Council in actual session at Trent in the hour of the Emperor's triumph. The preservation of the Catholic faith and the reform of the Church in the Latin countries was assuredly at that moment the most pressing aim of the Papacy and of the Council convoked by it, as it was likewise the one most easily attained. So much Cervini saw clearly. But he was wrong when he thought that for the time being Germany had to be regarded as lost. The subsequent renewal of German Catholicism gave the lie to this judgment. We do not lose ourselves in a labyrinth of speculations about historical possibilities, but start from assured facts, when we maintain that if there had been no translation of the Council of Trent to Bologna, the German schism might have had a different issue. ✓

Liturgical and Spiritual Life. Expenditure and how it was covered

AT the Council of Constance, during the absence of the Emperor Sigismund (1416) there was a daily conciliar Mass in the minster at which, in the words of the chronicler Ulrich Richental,¹ "a learned man of godly skill rose up to preach". This daily function was assuredly not a permanent institution, but it is certain that at Constance, by order of the Council, there was a solemn High Mass on all Sundays and holy days and at these Masses there was also a sermon. At the Council of Basle there was also a High Mass on Sunday and, as a rule, a sermon, as is attested by Bruneti's *Manual*. Besides the great solemnities, the feasts of the great Saints of the religious Orders were also observed, for example those of St Thomas Aquinas, St Bernard of Clairvaux, St

¹ Mass and sermon at the Councils of Constance and Basle: the assertion of Ulrich von Richental, *Chronik des Konstanzer Konzils*, ed. M. R. Buck (Tübingen 1882), p. 86, that at Constance there was Mass and sermon daily has been described as an exaggeration by Finke, *Acta conc. Constantiensis*, VOL. II, p. 374; P. Arendt, *Die Predigten des Konstanzer Konzils* (Freiburg 1933), p. 20, would restrict Richental's statement to "general prayers, or to Sundays". I see no reason for this, for the chronicler obviously speaks only of the time when the Emperor Sigismund was absent and for that period there were motives enough for daily conciliar services. As we read Richental's chronicle one regrets that no eye-witness of the Council of Trent has left us similar detailed descriptions of arrangements. The description of the solemn functions takes up the greater part of Richental's chronicle. In the diaries that have come down to us we also miss a full account of the conciliar sermons, such as we get for the months of February and March 1415 in the fragmentary diary published by A. Knöpfler in *H. J.*, XI (1890), pp. 267-83. For the liturgical arrangements at the Council of Basle, I have gone through the whole of Bruneti's *Manual* for the ecclesiastical year 1432, *Conc. Basiliense*, VOL. II, pp. 49-300. At a later date Bruneti passes over the Sunday and Thursday services for which regular turns were observed. A short but impressive description of the "ceremonies of a mighty nature" and of the great impression they made on the contemporaries, is found in R. Wackernagel, *Geschichte der Stadt Basel*, VOL. I (Basle 1907), p. 497, cf. also P. Lazarus, *Das Basler Konzil* (Berlin 1912), pp. 297-301. Of the conciliar liturgy at the fifth Lateran Council very little is to be got from the acts of Antonio Del Monte, and even less from the diary of the master of the ceremonies, Paris de Grassis (ed. A. Armellini, Rome 1884). The only interesting thing he has to tell us (p. 9) is that the Pope officiated at Christmas, Easter and on the feast of SS Peter and Paul; according to ancient custom the six cardinal-bishops officiated on the six principal feasts (the Circumcision, Epiphany, Maundy Thursday, Ascension, Pentecost, All Saints).

Francis of Assisi, as well as a number of feasts of the Blessed Virgin Mary and other feasts of Saints (e.g. Our Lady's Nativity and her Immaculate Conception, St Michael, St Jerome). After November 1432 there was a High Mass in honour of the Holy Ghost every Thursday in the minster with prayers for the happy progress of the Council.

In accordance with its intention to differentiate itself from the two reform Councils of the fifteenth century, the Council of Trent did not model itself on the rich, colourful, liturgical life of those congresses but chose to abide by the liturgical laws of the papal court by whose commission the legates exercised presidency and leadership. As Massarelli records in his *Ordo celebrandi Concilii Tridentini*, written after the conclusion of the Council,¹ that assembly followed the liturgical order of the *Cappella papalis*. Apart from the Sessions and the Low Mass of the Holy Ghost at the beginning of the morning general congregations, there were official conciliar functions at which the prelates, theologians and diplomatists were wont to assist on all the great feasts observed in the *Cappella papalis*. On the most solemn feasts the High Mass was celebrated by one of the legates, on other days one of the bishops would officiate while the sermon, which usually accompanied the Mass, was preached by one of the prelates or by one of the conciliar theologians. On Ash Wednesday, Candlemas Day and Palm Sunday the president himself distributed the ashes, the candles and the palms, and on the feast of Corpus Christi he officiated at the procession. There was also a conciliar service, Massarelli tells us, on the anniversary of the election and coronation of the reigning Pope, for the public concerns of Christendom, on the occasion of the election, or the death, of a Christian monarch and at the funeral of a member of the Council. Massarelli furthermore relates that on all Sundays either one of the bishops or a theologian preached in the cathedral, in Latin,

¹ In Massarelli's *Ordo celebrandi Concilii Tridentini* (Theiner, *Acta genuina*, p. 13) the last chapter (c. 14) treats: "De missis et aliis sacris celebrandis." For the *Ceremoniale Romanum*, which was authoritative at Trent, see VOL. I, p. 576, n. 2, of this work. The diaries of the papal masters of ceremonies, *C.T.*, VOL. II, pp. cxiii f., which might have provided material for a comparison, I have not been able to examine. Unless otherwise stated, my account of the sacred functions is based on Massarelli's *Diarium I* and *III*, but here also the *argumentum ex silentio* must be used with discretion. For instance Massarelli says nothing about Candlemas day 1546 in *C.T.*, VOL. I, p. 475, but on p. 609 he refers to the observance of that day in 1547. From Manelli's account-book we learn that the required quantity of candles was bought at Venice in 1546, Calenzio, *Documenti inediti*, p. 6.—The general congregation of 18 December 1545 arranged for a weekly Mass "in collegiatis ecclesiis"—hence not for the entire Council—and the Bishop of Feltre suggested Thursday as a suitable day, *C.T.*, VOL. IV, pp. 533; 539, l. 11. This led to the decision of *Sessio II*, *ibid.*, p. 555, l. 8.

or in the vernacular. This was followed by a Mass said by one of the assistant clergy and a procession round the open space in front of the cathedral during which a litany was sung. On the procession's return to the cathedral prayers were offered for peace, for the unity of the Church, the removal of heresies and for a happy issue of the Council.

The question may be asked: Was this liturgical order, as described by Massarelli, already observed in the first period of the Council?

An examination of the sources which contain some information about the liturgical life of the Council, confirms the picture given in Massarelli's diary as to its chief features, with the exception, however, of the conciliar High Mass on Sundays out of Advent and Lent. In *Sessio* II the Council had decreed that every Thursday there should be a Mass of the Holy Ghost at the cathedral followed by a litany, for the Council, though its members were not expressly bidden to be present; but nothing is said about a regular Sunday liturgical function. It would be over-hasty to conclude from this silence of contemporary sources about a regularly recurring event, that it did not take place. On the other hand it is most unlikely that a regular Sunday service, ordered by the Council, especially if it was accompanied by a sermon and a procession round the cathedral square, should never have provoked any incident and so furnished an occasion for observations in diaries and letters. Until proof to the contrary is forthcoming we must assume that in this place of his *Ordo* Massarelli describes the practice of the last period of the Council, not the first. On all other points his data are confirmed by our sources.

In the opening Session the senior in rank among the legates, Del Monte, since 1543 Cardinal-Bishop of Palestrina, had officiated at all the liturgical functions, with the exception of the Mass of the Holy Ghost. On Christmas Day, the solemn Vespers and the pontifical High Mass were taken over by the second legate, Cervini. But while in the later period Del Monte officiated very frequently, especially on all the great solemnities, we meet Cervini as celebrant on only one more occasion, that is on New Year's Day 1547. Cardinal Pole could not be considered in this connection since he was only in deacon's order. On the feast of St Stephen and that of St John the Evangelist (26 and 27 December) the Bishops of Badajoz and Palermo respectively officiated at the conciliar High Mass. On the other hand there was no conciliar Mass in the cathedral on the feast of the Holy Innocents, the reason being that on that day the relics of the boy-martyr St Simon were venerated by the people and the members of the Council in the church

of St Peter.¹ The next conciliar functions on the feasts of the Circumcision and the Epiphany were once more carried out by members of the assembly, namely the Bishops of La Cava and Ivrea respectively. The blessing of the candles on Candlemas Day, that of the ashes on Ash Wednesday, and that of the palms on Palm Sunday, was performed by the president. All Sundays in Lent were marked by a High Mass sung by one of the bishops and by a sermon preached by one of the theologians, the ordering of which will be described presently. During Holy Week and Easter Week every form of conciliar activity came to a standstill. With the exception of the bishops of the neighbouring dioceses who left Trent in order to carry out their pastoral duties, the members of the Council, prelates and theologians, concentrated on the glorious liturgy of Our Lord's Passion and Resurrection, and the reception of the sacraments. In the course of the last general congregation before the Easter break, 15 April 1546, the legates announced that in virtue of a papal indult the indulgence attached to the Roman stations could be gained in the church of the Poor Clares of Sta Trinità, close to the Palazzo Girolidi, the legates' residence.² The members of the Council as well as great numbers of the faithful of the city and the neighbourhood eagerly availed themselves of this privilege.

For the celebration of the liturgy of Holy Week and Easter³ an agreement had been come to with the cathedral chapter to the effect that the Roman liturgy would be used during Holy Week and that of Trent at Easter. At Matins on Wednesday, Thursday and Friday in

¹ On Holy Innocents' Day (28 December 1545), in St Peter's church, when one of the chaplains sang the Mass, Cervini, Pole and some other prelates were present, *C.T.*, VOL. I, p. 361, l. 8, but it was not an official conciliar function. The feast of the boy-Saint, Simon, said to have been murdered by the Jews in 1475, was kept on 24 March, but it only got into the Roman Martyrology after the Council, in 1584, *L.Th.K.*, VOL. IX, p. 579.

² The brief of 9 April 1546, which granted the Roman Station Indulgences to those who visited the church of Sta Trinità from the beginning of Lent till Low Sunday, *C.T.*, VOL. V, p. 119, only arrived at Trent on 15 April, VOL. X, p. 449. On the 21st Madruzzo and "all the prelates" repaired to the church after Matins in order to gain the Indulgence, VOL. I, pp. 52, l. 2; 538, l. 34; for visits on the following days, *ibid.*, pp. 539, ll. 10 and 43; 540, l. 4. The legates suggested that Rome should grant the same privilege in the following year, VOL. X, p. 810, l. 4.

³ The celebration of Holy Week and Easter 1546, according to Massarelli's *Diarium III*, *C.T.*, VOL. I, pp. 538-41; for completeness *Diarium I* for 1545 has been drawn upon, *C.T.*, VOL. I, pp. 168 f. The "libellus maior" there mentioned (p. 168, l. 30), on the liturgical customs of the cathedral of Trent during Holy Week, has apparently not been preserved. The preacher on Good Friday, Figliucci, is perhaps identical with Felice Figliucci who on 24 June 1546 sent a book to the Duke of Florence through Camaiani, State Arch. Florence, Med. 380, fol. 98^r. Pacheco did not take part in the Holy Week ceremonies but withdrew to the Franciscan Convent of San Bernardino, *C.T.*, VOL. I, p. 538, l. 29.

Holy Week the Council's singers sang the lessons of the first nocturn and those of the cathedral the lessons of the second and third nocturns. On Maundy Thursday the Archbishop of Palermo consecrated the Holy Oils while the Mass was sung by the Bishop of Huesca in presence of forty prelates. Massarelli tells us that he visited the churches of the city in order to pray before the Blessed Sacrament exposed in them. The liturgy of Good Friday was carried out by the Bishop of Cava and that of Holy Saturday by the Bishop of Badajoz. Every evening, at the end of Matins, the prayer *Respice* was recited by Del Monte. On Maundy Thursday, after the Communion of the Mass, he carried the Blessed Sacrament to the altar of repose, followed by all the prelates and the cathedral chapter, all carrying lighted candles. The Good Friday sermon was preached by the Sienese Figliucci in the presence of the whole Council. At the veneration of the cross Massarelli was joined by the physician of the Council.

In accordance with German custom the Easter solemnity began on the afternoon of Holy Saturday in the church of the Blessed Trinity, with the office called "The celebration of the Resurrection", when the hymn *Salve, festa dies* was sung. On the morning of Easter Day itself Madruzzo, in his capacity of local bishop, celebrated the High Mass according to the Tridentine rite, "devoutly, reverently, ceremoniously", says Massarelli. The latter had the honour of carrying the relic of the arm of St Vigilius, the patron of the diocese, in the procession which preceded the pontifical High Mass. Before the gospel a German hymn was sung. At the *Lavabo* the nobility took their part. Niccolò, the cardinal's brother, poured the water over his hands and five of the prince-bishop's feudal tenants held the towel with which he wiped them. The pontifical blessing was given before the *Agnus Dei*. The legates assisted at the function in their red robes as cardinals, hence not *pontificaliter*.

On Easter Monday the High Mass was once more preceded by a procession round the cathedral square of the chapter and all the clergy of the city, during which, in keeping with local custom, alms were collected for the *monte di pietà*. The Council did not take part in this procession; it contributed, however, to the alms and assisted at the pontifical High Mass which followed, the celebrant being the Bishop of Ascoli. On Easter Tuesday the solemn function took place in the church of St Peter—the Germans' church. The celebrant of the High Mass was the Bishop of Vaison. The sermon was preached by Cornelio Musso, not in Latin as was the custom, but in Italian. Afterwards Madruzzo entertained all the prelates, the ambassadors and the canons

of the cathedral to a splendid banquet (*lautissimum splendidissimumque*) in the great hall of the castle. The Easter celebrations ended on the Saturday of that week with a High Mass at Sta Maria Maggiore, celebrated by the Bishop of Lanciano, at which Madruzzo's court preacher delivered a sensational discourse to which we shall have to revert presently. Strangely enough our sources make no mention of a conciliar High Mass on Low Sunday.

The sacred functions of the feasts of the Ascension, Pentecost and the Blessed Trinity conformed to custom. The same prelate officiated at Vespers on the previous day and at the Mass of the feast itself, and each time the celebrant was an archbishop (the Archbishops of Corfu, Naxos and Siena), while the sermon was preached by conciliar theologians—two Frenchmen and one Spaniard. For Corpus Christi duties were divided: the Bishop of Cambrai officiated at Vespers and at High Mass, the sermon was omitted and the president carried the Blessed Sacrament in the procession. The imperial ambassador, Francisco de Toledo, walked between the Archbishops of Aix and Sassari. On the feast of SS Peter and Paul, Del Monte himself officiated at Vespers and at Mass. The illumination of the legates' residence on the vigil and a display of fireworks on the evening of the feast itself, were in keeping with Roman custom and served to emphasise the special character of the feast.

The long pause between the feast of SS Peter and Paul and that of All Saints, which was due to the custom of the Curia leaving Rome in the summer for a stay in the country, was also observed at Trent, but the interval was filled with a whole series of extraordinary liturgical functions which illustrate the intimate connection of the Council with current events. Charles V's birthday, on 24 February, was only marked by a High Mass arranged by Cardinals Madruzzo and Pacheco, in the church of Sta Maria Maggiore, not by an official conciliar function in the cathedral, but the processions of intercession ordered by the legates in August and September 1546 for the Emperor's victory in the war against Schmalkalden bore a conciliar character, were it only that they were connected with the gaining of the jubilee indulgence promulgated by the Pope. On 19 August the procession, in which the Council and the regular clergy of Trent took part, went from Sta Trinità to Sta Maria Maggiore, where the Bishop of Badajoz celebrated the Mass and the Bishop of Bitonto preached from Ps. XLV, 2 (XLVI, R.V.): "God is our refuge and our strength." This procession was repeated on the feast of the Nativity of the Blessed Virgin Mary (8 September), but on 10, 11 and 12 September there was only a Mass and a litany at Sta

Trinità, in the presence of the legates and "many prelates" but not of the whole Council. When towards the end of the year news came of the Emperor's successes in Germany, the surrender of Ulm, an imperial city, was made the occasion for an official service of thanksgiving in the cathedral on 2 January 1547, by order of the Council. The Bishop of Castellamare officiated at the function. Previously to this, Fonseca, one of the prelates of the imperial group whose political profile is most sharply defined, had sung a pontifical High Mass in the cathedral on 5 August 1546, when Del Monte solemnly handed the red hat to Pacheco. Like this function, the exequies on 8 February 1547 for Anne of Hungary, the wife of Ferdinand I, who had died on 27 January, also bore an official character. On this occasion the Mass was celebrated by a bishop of the Emperor's hereditary states, namely the Archbishop of Palermo, "solemnly, with great pomp". In view of the great number of Germans present at the service, the funeral oration was preached by a German priest in German. This, as far as we know, was the only conciliar sermon to be preached in that language. In accordance with the practice of the papal court the anniversary of the election of the reigning Pope (13 October) and that of his coronation (3 November) were observed with a conciliar Mass in the cathedral. On both occasions the palace of the legates was illuminated.

We may now complete this picture of the Council's ecclesiastical year. All Saints and All Souls were once more on the list of the feasts observed in the *Cappella papalis*; they were accordingly celebrated in accordance with that custom with Solemn Mass sung by the Archbishop of Palermo and Requiem Mass sung by Grechetto. The feast of the Immaculate Conception on 8 December was not observed by the Council as such; however, on that day, as on the feasts of St Francis (4 October), St Martin (11 November), the Apostle St Andrew (30 November), no general congregation was held. The four Sundays of Advent were observed in the same way as those in Lent, with High Mass and sermon. On the feast of the Apostle St Thomas (21 December), in the presence of the whole Council, the president conferred episcopal consecration on his former teacher, Ambrosius Catharinus, and on the auditor of the Rota, Sebastiano Pighino. Christmas was celebrated as in the previous year with the sole difference that Del Monte officiated at Vespers, Matins and Mass of the feast, while on the two following days as in the year before, a conciliar bishop was the celebrant, namely the Bishops of Badajoz and Fiesole respectively. Cervini officiated at Vespers and Mass of the feast of

the Circumcision (New Year's Day 1547) and Pacheco on the feast of the Epiphany. A certain rotation is thus discernible, and this brings us to the ordering of the conciliar liturgical services.

The preparation and direction of all the liturgical functions of the Council was in the hands of the master of ceremonies, Pompeo de' Spiriti, of Spoleto,¹ who on that account, was a conciliar official drawing a salary of six scudi a month; he was probably also a member of Del Monte's court. He was assisted by a deacon and a subdeacon as well as by a sacristan who also drew a salary from the conciliar chest. For the liturgical chant the Council depended, up to the beginning of February 1546, on the cathedral choristers and on Madruzzo's choir which at that time was under the direction of the composer Giovanni Contini of Mantua and enjoyed a well-deserved renown. However, in compliance with the wishes of the legates, before long the Council secured the services of a choir of its own. On 3 February 1546, the eve of *Sessio* III, six choristers of the Sistine Chapel arrived at Trent. They were truly international: three Frenchmen (Lecomte, Barry and Loyal), one Italian (Bartolini), one Spaniard (Ordóñez) and one German (Mont). For their co-operation in the conciliar liturgical functions they were paid a lump sum of thirty-three scudi a month, of which one half came from the conciliar chest and the other half was contributed by the legates. The latter, however, do not appear to have succeeded in redeeming their promise of doing "all in their power to satisfy the singers" for at Bologna their number fell to three and finally to only two.

An incident of the last days of 1545 shows that it was the master of ceremonies who designated the celebrant at the various functions. Madruzzo, who should have officiated at Vespers on the eve of New

¹ We know very little about Pompeo de' Spiriti, the master of ceremonies, apart from an occasional reference to him by Massarelli, *C.T.*, VOL. I, pp. 328, l. 46; *ibid.*, 336, l. 19; 361, l. 23. Madruzzo's instructions that he should secure a substitute, p. 364, l. 1; cf. p. 365, l. 42; Mass of St Peter in Cathedra, *ibid.*, p. 488, l. 32. He does not appear to have been a papal master of ceremonies; cf. G. Constant, "Les maîtres de cérémonies du XVI^me siècle", *Mélanges d'arch. et d'hist.* XXIII (1903), pp. 161-229; 319-43; in any case he is not reckoned among the diarists (pp. 333 f.).—For the singers of the Council see M. Levri "La Cappella musicale del Madruzzo e i cantori del Concilio", *Il Concilio di Trento*, I (1942/3), pp. 393-405. R. Lunelli, "La polifonia nel Trentino con speciale riguardo al Concilio", *ibid.*, II (1947), pp. 78-98. As is proved by the discovery by Haberl of the so-called "Trienter Codices", with some 1600 polyphonic compositions, the cathedral choir of Trent had a good musical tradition, *L.Th.K.*, VOL. X, p. 275. A cathedral choirmaster ("cantor optimus") is mentioned in a document of 1434, and a cathedral organist in 1468, L. Santifaller, *Urkunden und Forschungen zur Geschichte des Trienter Domkapitels im Mittelalter*, VOL. I (Vienna 1948), pp. 329, 386. The Council's standpoint with regard to church music will be more fully discussed in the account of the third period.

Year's Day, and at Mass on the following day, requested him, through Massarelli, to appoint somebody else in his place. The substitute was the commissary of the Council, Sanfelice of La Cava. A strict rota of officiants does not seem to have been in existence, but a certain order, based on rank, was nevertheless followed in consequence of which cardinals and archbishops officiated on the great feasts and bishops at the remaining conciliar functions. Some of these, such as the blessing of candles on Candlemas Day, the imposition of ashes on Ash Wednesday, the procession of Corpus Christi, the feast of SS Peter and Paul, were reserved to the first president. The master of ceremonies officiated only once and then evidently at the express wish of the legates. This was on the feast of St Peter in cathedra, 22 February 1546, in the church of Sta Trinità.

Much more difficult is the answer to the question: Who selected the preachers? In fact the question cannot be answered with anything like certainty on the basis of our sources. As a general rule, which suffered very few exceptions, and then only for very special reasons, there was a sermon at all conciliar Masses. These discourses were addressed to the members of the Council and were accordingly delivered in the official language, Latin. In this way it was possible for representatives of every nation to speak from the pulpit as well as in the conciliar hall. Only in exceptional circumstances were other listeners considered, as when the Bishop of Bitonto preached in Italian on Easter Tuesday 1546, in the church of St Peter, or when the German priest mentioned above spoke in German at the exequies of Queen Anne. Sermons by members of the Council preached outside conciliar liturgical services, as for instance the Lenten sermons of Ambrosius Catharinus, of which we shall speak presently, were delivered in the vernacular.

The overwhelming majority of these preachers belonged to the mendicant Orders whose pre-eminent position was thus evidenced in this sphere as well as in that of theology. It was a rare occurrence for a secular priest to appear in the pulpit, but such a one was the Spaniard Sarra, who preached on Whitsunday 1546, and an otherwise unknown priest named Petrus Mirtius of Udine, who preached on New Year's Day 1547. On one occasion, on St Stephen's day 1546, even a layman, Count Lodovico Nogarola of Verona, gave the sermon. This occurrence was so startling that it deserves to be considered for a moment.¹

¹ Count Ludovico Nogarola's sermon of 26 December 1546, *C.T.*, vol. 1, p. 360, is printed under the title: *Oratio L. Nogarolae comitis habita in Concilio Tridentino divi Stephani celebritate MDXLV* (Venice 1549)—14 leaves, with woodcut on the cover

It had been originally arranged that on this day a Hermit of St Augustine should preach the sermon, probably because the third Sunday of Advent which had been allotted to him had been taken up by the opening Session. Madruzzo had managed to persuade the Fathers to gratify the learned count's ambition to address the Council. Lodovico was not only a scion of a noble family and a man of great intellectual alertness, he was also a humanist and a considerable scholar. His great-aunt Isotta (d. 1466) had been a member of Guarino's circle while his cousin Leonardo had been repeatedly sent on diplomatic missions to the Sublime Porte while he was in the service of Maximilian I. Lodovico had frequented the schools of Padua and Bologna and from 1525 onwards had been for a considerable time at the court of Ercole Gonzaga at Mantua. His letter-book shows him in correspondence with Cardinal Cles, Contarini, G. F. della Mirandola and Bartolomeo a Spina, the future Master of the Sacred Palace. In 1532 he had published a translation of one of the homilies of St John Damascene. In 1543, at Parma, he had been allowed to expound his theory of the tides before Paul III. He had also written in the defence of the validity of Henry VIII's marriage with Catherine of Aragon. This man of many accomplishments felt the urge once experienced by his friend Pico della Mirandola at the fifth Lateran Council—to put before the Council his views on their task. However, his very appearance was unfortunate. Arrayed in a purple *cappa* lent to him by Pighino, and with a priest's biretta on his head, he entered the cathedral pulpit and proceeded to draw a picture of the faith and teaching of the Saint of the day for the benefit of his audience of bishops and theologians. Boldly yet at the same time gently, Stephen had at first addressed his adversaries as "Brethren", so as to win their sympathy. But when they resisted the truth he did not hesitate to castigate their obstinacy. This is how the Council should treat the Protestants if they came to Trent. They should be received with open arms, as brothers, since they were born again in the same laver of regeneration. But if they refused to return to the unity of the Church, they must not be spared. If western Christendom continued in its division it would be threatened with the fate that had befallen the eastern Church, for Soliman was no less dangerous than Murad and Mohammed.

showing Our Lord and the Samaritan woman. For the life and writings of Nogarola cf. A. von Druffel, "Über den Grafen Ludovico Nogarola und das Trienter Konzil", *Sitzungsberichte d. Bayr. Akad. d. Wiss., Phil.-hist. Klasse*, 1875, 11 (Munich 1875), pp. 426-56; H. Jedin, "Un laico al Concilio di Trento, il Conte Lodovico Nogarola", *Il Concilio di Trento*, 1 (1942-3), pp. 25-33.

Was there something truly shocking in such an appeal? Or did the hearers take offence because it was made by a layman? Or was Nogarola's ill-success due to the manner in which he delivered his message, or to his get-up which verged on the ludicrous? Whatever the answer, the sermon was a failure, painful for the speaker, but even more so for his patron Madruzzo. The experiment of a conciliar sermon by a layman was never repeated.

There were two groups of conciliar sermons for which the leaders of the Council had not to choose the preachers because there already existed a firm regulation in the *Capella papalis*.¹ On the four Sundays of Advent the procurators-general of the four great mendicant Orders were in the habit of preaching before the papal court. The same ruling obtained on the first four Sundays in Lent, while on the fifth the preacher was the procurator of the most recently founded Order of mendicants, the Servites. This arrangement was adhered to at Trent even before the opening of the Council, but in such wise that the above-named mendicant Orders provided the preacher on the appointed days from among their own ranks. Thus it came about that on the first Sunday of Advent 1545 that prince of Dominican theologians, Domiño Soto, could apply the gospel of the last judgment, which is that of the day, to the Council. On the following Sunday the preacher was Francesco de' Patti, a Franciscan Observant. The Hermits of St Augustine missed their turn because *Gaudete* Sunday was the day fixed for the opening Session, while on the fourth Sunday, in strict accordance with the Roman order, the Carmelites furnished the preacher in the person of Antonius Marinarius, provincial of Apulia. During Advent of 1546 this order underwent no alteration. The preachers were the Dominican Hieronymus ab Oleastro, a Franciscan Conventual whose name is not known, the Hermit of St Augustine Gregorius Perfectus and the Carmelite Ludovicus of Siena.

The same ruling was observed during the Lenten season of 1546. On the first Sunday the series was opened by the Dominican Bartolomeo de Miranda, better known under the name of Carranza and even better as the Archbishop of Toledo on whom the Spanish Inquisition laid its hands. He was followed, on the second Sunday, by the

¹ Advent sermons in the year 1545 by members of the great mendicant Orders, on the model of the *Cappella papalis*: *C.T.*, VOL. I, pp. 338, l. 18 (Soto); 344; l. 36 (de' Patti); 356, l. 8 (Marinarius); in 1546, *ibid.*, pp. 588, l. 35 (ab Oleastro); 590, l. 25 (an anonymous Franciscan Conventual); 592, l. 22 (Perfectus); 594, l. 12 (Ludovicus of Siena, according to *Analecta ord. Carm.* XII (1944), p. 155, to be identified with Angelicus de Contis of Siena).

Franciscan Observant Clement Dolero de Moniglia, later on general of his Order and finally a cardinal. On the third Sunday the preacher was the Hermit of St Augustine Gaspar of Syracuse and on the fourth, for a second time, the Carmelite Antonius Marinarius.¹ On Passion Sunday the sermon was preached by the Servite Laurentius de Castelfranco, known to us under the name of Mazochi, one of the subtlest debaters in the discussion of justification. There was no sermon on Palm Sunday on account of the blessing of the palms and their distribution to the members of the Council by the president. On Good Friday the sermon was preached by the Sienese Figliucci. On Monday, Wednesday and Friday in each week in Lent, Ambrosius Catharinus, at the request of the legates, preached in Italian in the church of Sta Trinità. All three legates assisted at the first of these discourses, on 12 March 1546, but there was no general obligation to attend.

On Ash Wednesday 1547 the pulpit was occupied by the Franciscans' most famous theologian, Andreas de Vega, but on the first Sunday in Lent the mendicant Orders took their turn as described above, the series being started by the Portuguese Dominican Georgius a S. Jacobo. On the second Sunday (6 March 1547) Massarelli makes no mention of a conciliar sermon, but we still possess the text and know the name of the author, the Franciscan Observant Lodovico Carvajal. On the third Sunday there was no conciliar service at Trent as a result of the decision taken two days earlier of transferring the Council to Bologna. Nothing is heard that year of week-day sermons in Italian.

To appraise and exploit these conciliar sermons for their historical value, as was done for the Council of Constance, we should have in our hands the actual text of most of them and at least some slight information about the effect they produced. In both these respects the situation at Trent was not helpful, at least during the first period of the Council. The eagerness shown at Constance for copying conciliar sermons, with a view to subsequent use, had abated in the era of the printing press.² Or was it perhaps due to their subject-matter? to the

¹ Lenten sermons from the first to the fifth Sunday in Lent 1546: *C.T.*, VOL. I, pp. 512, l. 20 (Carranza); 517, l. 10 (Dolera); on the third Sunday, *ibid.*, p. 529, l. 16, wrongly gives the name of the Dominican Gaspar a Regibus instead of the Augustinian Gaspar of Syracuse who is attested by Seripando, *C.T.*, VOL. II, p. 433, l. 3; VOL. I, p. 532, l. 29 (Marinarius); p. 534, l. 31 (Mazochi). On Ash Wednesday, which was outside the rota, the preacher was the Conventual Antonio di Casalmaggiore, VOL. I, p. 511, l. 25.

² While Finke has systematically collected the conciliar sermons which are so fruitful for the history of the Council of Constance and has succeeded in finding nearly 200 (*Acta conc. Constantiensis*, VOL. II, p. 367; a list of 182 in Arendt, pp. 260-4),

fact that the Tridentine conciliar discourses were less practical than those of Constance, "the one theme of which was the reform of head and members" (Arendt); or was it that, as a result of the schism, the atmosphere had become so tense that preachers were afraid of letting their manuscripts out of their hands for fear of being denounced to the Inquisition?

Such denunciations did occur in fact. The general of the Servites, Bonuccio, was not the only one who saw himself compelled to defend his orthodoxy (cf. CH. II). His accuser, Domiño Soto, likewise attacked the Carmelite Marinarius for his sermon on *Laetare* Sunday (4 April 1546), when he also had the support of so highly esteemed a prelate as the Bishop of Astorga and the crown jurist Quintana—not to mention Grechetto.¹

Marinarius had already treated of the doctrine of a living faith and Christian freedom in his sermon on the fourth Sunday of Advent. "From the beginning of the world to its end", he had said, "only one way leads to salvation, namely faith in Jesus Christ. O that all Christians understood this benefit and made use of their Christian liberty! Then would the Church exhibit a different, a nobler aspect." "Christian liberty" and "benefit of Christ"—who had not long ago become acquainted with these notions? Marinarius had given them a Catholic

Concilium Tridentinum has so far restricted itself to the sermons of the Sessions contained in the acts, although other contemporary sermons exist in print, Calenzio, *Documenti inediti*, pp. 526 ff. An even greater number were printed during the third period, in fact there exists a printed *Index orationum et contionum* (15 May 1561 to 22 November 1562); one copy is in Vat. Bibl. Capponi, IV, 94; also in A. Rocca, *Bibl. Ap. Vat.* (Rome 1591), pp. 221-6. Part of these conciliar sermons has already been embodied in the great Collections of the Councils of Labbé-Cossart, Hardouin and Mansi, and Spanish sermons are found in *Hispanorum orationes in concilio Tridentino habitae* (Madrid 1748). I make use of the eight sermons printed by Le Plat, viz. those of Soto, of 29 November 1545 (VOL. I, pp. 1-12); Marinarius, 20 December 1545 (*ibid.*, pp. 23-32) and 4 April 1546 (*ibid.*, pp. 134-43); Carranza, 14 March 1546 (*ibid.*, pp. 52-62); Du Conseil, 3 June 1546 (*ibid.*, pp. 72-83); Salmeron, 27 December 1546 (*ibid.*, pp. 93-105); Georgius a S. Jacobo, 27 February 1547 (*ibid.*, pp. 112-23); Carvajal, 6 March 1547 (*ibid.*, pp. 124-33). Nogarola's sermon referred to on p. 452, n. 1, and Musso's sermon of 15 August 1546 are also printed in the latter's collected sermons (Venice 1577), cf. Calenzio, *Documenti inediti*, p. 528 and *R.Q.*, XLI (1933), pp. 239 ff.

¹ The accusations against the Carmelite Antonius Marinarius on account of his sermon of 4 April 1546, *C.T.*, VOL. I, pp. 535, l. 20; VOL. X, p. 586, l. 16. The passage quoted in the text is in Le Plat, VOL. I, pp. 135 f. A letter of Grechetto of 24 April 1546 (Buschbell, *Reformation und Inquisition*, p. 32), shows that he sought to prevent the printing of the sermon at Venice, evidently in vain. For Sarpi's tendency (*Istoria*, VOL. II, p. 3 and repeatedly) to represent Marinarius as a crypto-Protestant, cf. Eheses in *H.ŷ.*, XXVI (1905), pp. 305 ff.: Massarelli's appreciation of him, *C.T.*, VOL. I, p. 356, l. 8.

meaning and no objection had been raised against him. But in his sermon on *Laetare* Sunday one sentence had escaped him, namely that the corruption of human nature, even in the regenerate, was far greater than can be imagined. He had insisted, it is true, that he did not deny man's ability to merit, but in the same breath he also warned against pharisaism and the false security which was an obstacle to grace. He even went so far as to describe good works as "signs and fruits" of grace. All this sounded highly suspicious in the ears of the Spaniards and it required all Pacheco's shrewdness to calm his countrymen. In this he was successful.

Of a different order was the scandal provoked in Sta Maria Maggiore by Madruzzo's court preacher on the Saturday after Easter (1 May 1546). Instead of a sermon Sigismondo Fedrio da Diruta read two imaginary letters. In the first the Church bemoaned her sufferings before God, lamented her decline since the days of Constantine the Great, and prayed for forgiveness of her sins, especially the sins of the clergy. The second letter was addressed to the Fathers of the Tridentine assembly and contained God's reply. The Church's trials, it said, were the punishment of her sins, especially those of the clergy which was said to consist—from the simple cleric up to the patriarch—of robbers, rebels, ignoramuses and parasites. The letter from heaven ended with the words: "I have sent Christ into the world—run to him; he will help you." After that, without another word, Diruta came down from the pulpit. The listeners, as was only natural, were exasperated. Cervini insisted on the preacher being punished by Madruzzo. Madruzzo, however, made his excuses to the legates and did not give effect to the decision already taken of Diruta's dismissal. It was said that this conduct was due to the intervention of Del Monte and Pacheco. The incident was all the more painful as, shortly before, Madruzzo had taken steps to get his court preacher made an auxiliary bishop. The appointment was not made although Madruzzo took fresh steps to that end in Rome in the summer of 1546.¹

¹ The sermon of the Conventual Sigismondo Fedrio da Diruta (Deruta) on 1 May 1546 is more fully reported on 8 May by Severoli, *C.T.*, vol. x, pp. 481 f., than by Massarelli, *C.T.*, vol. 1, p. 543, l. 11. An earlier step by Madruzzo to get his court-preacher made an auxiliary bishop, *ibid.*, p. 362 f.; on 11 August 1547 he appointed two proctors for this purpose (Radice and Cattaneo), cf. S. Weber, *I vescovi suffraganei della Chiesa di Trento* (Trent 1932), pp. 104 f. For the biography of Fedrio see G. Odoardi in *Il Concilio di Trento*, 1 (1942-3), p. 310; R. Varesco in *Arch. Francisc. hist.*, XLII (1949), pp. 138 f. Letters from heaven are a literary *genre*, thus, for instance in 1542 an Italian preacher recited an imaginary letter of Jesus Christ, Tacchi Venturi, *Storia della Comp. di Gesù in Italia*, vol. 1², p. 293.

The three cases we have described, those of Bonuccio, Marinarius and Diruta, furnish incontestable proof that up till May 1546 the conciliar sermons were not subjected to any kind of preventive censorship. Salmeron, however, in a letter of 1 September 1547,¹ states that he had submitted his sermon for the feast of St John the Evangelist (27 December 1546) to one of the legates and to three bishops for their scrutiny and that they had not found fault with any part of it. It is not difficult to guess that the legate was none other than Cervini, a member of the Roman Inquisition, but it is not possible to ascertain who were the three bishops remarkable both as theologians and as preachers. In any case a conciliar commission for the censorship of sermons did not exist. If Salmeron's action was not a spontaneous submission to a previous censure—which is not excluded by the text—we can only assume that, with a view to preventing a repetition of an incident such as the one related above, Cervini had set up some sort of a preliminary censorship on his own authority.

The passage of time since Constance is reflected both by the matter and the form of the sermons. At that time humanism was only beginning to make itself felt in pulpit oratory; at Trent familiarity with ancient literature was taken for granted both in the speaker and in the listeners. On the other hand no one presumed any longer, as in the days of the Medici Popes, to play with the gods of Olympus or to travesty theological concepts by dressing them up in classical Latin: "I am not on the look out for Cicero's terminology", Carranza said; on the contrary, he made his own the prophet's words: "Woe is me if I remain silent" (Is. VI, 5) and sought to assimilate the spirit of St Paul.²

¹ Salmeron's sermon of 27 December 1546 on St John the Evangelist as a *Forma praelatorum*, C.T., VOL. I, p. 596, l. 15, was printed in Rome in March 1547 by Nicolaus Sabiensis, see Calenzio, *Documenti inediti*, p. 528, also Le Plat, VOL. I, pp. 93-105. In a letter of 1 September 1547 to P. A. Achilles, Salmeron thus defends himself *M.H.S.J. Epp. Salmeronis*, VOL. I, p. 45: "hanc a me orationem non prius in synodo recitatam esse quam censuram subierit unius ex Rev^{mis} et Ill^{mis} legatis concilio praesidentibus et trium episcoporum, qui et sacrarum litterarum doctrina et dicendi facultate praecipui et summi in sancta synodo semper habiti sunt, qui tamen in hac parte nihil corrigendum esse censuerunt." According to Paris de Grassis (ed. Armellini, p. 13) sermons that were to be preached in the *Cappella papalis* had to be submitted to the Master of the Sacred Palace. At the Council of Constance an English Doctor of Theology was refused permission to preach because he would not submit the text of his sermon to the Cardinal of Florence beforehand, *H.J.*, XI (1890), p. 275.

² Carranza's abandonment of Cicero, Le Plat, VOL. I, p. 54. Du Conseil declines to describe Christ's triumphant Ascension after the manner of a pagan triumph, Le Plat, VOL. I, p. 75; Carvajal declares, *ibid.*, p. 129, that "the old schools of philosophy have their heads, but our Head is Christ". But classical reminiscences are frequent, for example, *Stentoria vox*, *ibid.*, p. 78, *Lerna malorum*, p. 79 and elsewhere. Du Conseil quotes the Greek New Testament several times, *ibid.*, pp. 73, 75, but excuses himself

His example was followed by the majority, and even for so pronounced a humanistic orator as Cornelio Musso, humanism was no more than a rhetorical flourish.

Of the conciliar sermons of Constance it could be said that there is scarcely another group of sources that gives us a comparable picture of the Council. The Tridentine conciliar sermons on the other hand keep off controversial subjects; they hint at them but do not directly deal with them. The real opponent with whom the Council had to contend was not there at all. For all that these sermons are indispensable for an understanding of the Council's own conception of its function and of the picture of the Church which that assembly had before its eyes. "Simon, sleepest thou?" Domíngo Soto asked the assembled bishops on the first Sunday of Advent in the year 1545, immediately before the opening of the Council. "The liberty granted to Christians by God is misused; God's law and the Pope's is derided; the wall of the law has collapsed, burying faith and charity." "Lift up your heads!" he urged his hearers in the words of the gospel of the day (Luke XXI, 28), "what answer will you make to the judge of the universe if you depart from this place with your work undone?"¹

On the first Sunday in Lent 1546 Bartolomeo Carranza took up once more the anxious question: "Lord, wilt thou at this time restore again the kingdom of Israel?" (Acts I, 6). Developing the historical and theological ideas of the later Middle Ages, he described the decline of the Church, her territorial losses and the need of internal reform. The East, evangelised by St Paul, and Africa, where Tertullian, Cyprian and Augustine had worked, were lost. The ancient patriarchal sees of Antioch, Alexandria, Jerusalem and Constantinople were desolate. Even part of Europe itself had become a prey of the Turks. Rhodes had had to be abandoned, Hungary had been conquered, Austria devastated. All this could only have happened because the Christian princes were not united among themselves. They sought the things that were their own, not the things that were Jesus Christ's (Phil. II, 21).

for Hebrew quotations, *ibid.*, pp. 76, 81. Georgius a S. Jacobo paraphrases the Lenten hymn *Audi benigne Conditor* in a sermon in the form of a prayer, *ibid.*, pp. 113 f.—On the humanism of the sermons of Constance see Arendt, p. 109; for preaching in Italy in the sixteenth century see Tacchi Venturi, VOL. I², pp. 291 ff.; E. Santini, *L'eloquenza italiana dal Concilio Tridentino ai nostri giorni* (Milan 1923), pp. 9-48.

¹ Extracts from Soto's sermon on the first Sunday of Advent 1545, Le Plat, VOL. I, p. 10; they are surely far more incisive than Musso's opening discourse, cf. Jedin, *History of the Council of Trent*, VOL. I, p. 577. Whether Soto was as eminent an orator as he was a theologian I dare not decide; among the many eulogies of him in Gutiérrez, *Españoles*, p. 336, only that of Sixtus of Siena refers to the orator.

Even more terrifying was the picture of the internal condition of the Church when compared with the Biblical description of the new Jerusalem, the holy city of God. The vices of greed and ambition raged within her, and one abuse led to another. Whose was the responsibility for this situation? Those were responsible whom God had appointed guardians of the holy city, shepherds of his flock, fathers of his family. "Consider what your answer would be if you were to die tomorrow and to appear before the judgment-seat of Christ. His word would smite you like a stroke of lightning."¹

Both Soto's and Carranza's aim was to stir up the bishops' consciences. The Council was only beginning, yet the sermon of the Frenchman Jean du Conseil, on Ascension day 1546, already betrays a sense of disappointment with the course the discussions of reform had taken up to that time. The preacher asked whether the triumph of Christ ascending into heaven was paralleled by an earthly triumph of his Church. He answered with another question: What triumph is there for Christ when his churches are profaned and destroyed, the Eucharist, the images and relics of the Saints dishonoured, when not *one* Christ is preached but many, when Christians about to lose their faith study the Coran, when the sentiment of Christian solidarity is so weakened that a man thinks of himself first as a Roman, a Frenchman, a Spaniard, a German, and only then as a Christian? One might despair and declare the wounds of the Church incurable did not history teach us that it is precisely when the situation seemed desperate, in the Christian past and during the great schism of 130 years ago, that Almighty God was wont to answer the hopes and prayers of his servants by means of Councils. The present Council also can bring salvation to the Church provided three conditions are fulfilled. Firstly judgment must begin with the house of God by a strict reform of head and members; a reform which is not content with pursuing the little fishes but one that attacks the "dragons". Secondly the Council must understand that laws of reform are not a spider's web that can be lightly brushed aside and the legislator must be the first to conform to them. Enough paper is covered with laws which no one observes; it would be foolish to add to their number. Thirdly no time must be lost. Protestantism can be overcome. It will recede in the same way as the collocutors of Ratisbon

¹ The theory of decay in Carranza's sermon, *Le Plat*, VOL. I, pp. 54 ff. Marcus Laureus expresses similar ideas in his sermon to the Session, *C.T.*, VOL. V, p. 251. His appeal to the Fathers of the Council, *Le Plat*, VOL. I, pp. 59 ff., is matched by that of Carvajal, *ibid.*, p. 133, that of San Marco, *C.T.*, VOL. IV, pp. 560 f., and that of Bonuccio, *C.T.*, VOL. V, p. 100.

who vanished from the city in the night, provided that the Council sets to work at once and wastes not a minute of its time. "Make haste; snatch his prey of souls from the devil's hands! Why do you hesitate? Do you think the time is not yet? I fear it is almost too late. The axe is laid to the roots; the tree that bears no fruit will be cut down. Our present small number is no excuse. Representatives from every part of Christendom have come here. It is intrinsic worth, not numbers, that counts. Must the Council of Trent drag on for more than eighteen years, like the Council of Basle? Make haste, therefore, and remember that the eyes of the whole world are upon you."¹

All the different preachers agree on the one point, namely that the Church is undergoing a severe crisis chiefly due to the fact that faith and charity have grown cold. The moral corruption of clergy and people, the misuse of holy things, have kindled the conflagration of the schism and have continued to add fuel to it, hence, as the Portuguese Georgius a S. Jacobo pointed out on the first Sunday in Lent of the year 1547, "it is not enough to condemn the errors of the Protestants, for this much is certain that it was these abuses that gave them birth, caused them to grow and to spread almost to every part of the Church. Condemnation of errors and reform must go hand in hand."² The sickness of the Church, Marinarius declared in the Lenten sermon of 4 April 1546 mentioned above, is too real to be denied, too grave to be borne, too dangerous to admit of delay in the application of a remedy. However, the Carmelite preacher knew that laws do not work a cure of themselves. It is necessary to dig down to a deeper level. The sickness of the Church can only be cured if the bishops once more break

¹ The passages from Du Conseil's sermon on the Ascension—one of the most interesting of them all—in Le Plat, VOL. I, pp. 77 f., 82 f. According to Georgius a S. Jacobo (*ibid.*, p. 119) the Council is the inn to which the Good Samaritan takes the wounded Church. Carvajal compares the Council to the Transfiguration, *ibid.*, p. 130: "Cum vos ex universa Ecclesia huc convenistis et concilium facere coepistis, fuit tempus gloriosae transfigurationis"; his impatient query, *ibid.*, p. 132: "Quousque haeretici nobis exprobrabant abusus nostros?"

² The urgency of Church reform according to Georgius a S. Jacobo (Le Plat, VOL. I, p. 121: "Non admodum multum prodesset, quasi tantum ter sagittis vestris terram percutientes, damnassee cunctas haereses, errores omnes, si tamen . . . remanere contingat abusus maximos, quos nemo non videt . . . , cum certissimum sit, huius infelicitis temporis errores propter abusus ortos fuisse, propter abusus sumpsisse incrementum et propter abusus pene in tota ecclesia disseminatos esse." Marinarius, *ibid.*, p. 142, has this impressive formula: "Languet et afflicta ac pene deploranda iacet ecclesia. Res haec verior est quam ut negari possit, gravior quam ut debeat ferri, et perniciosior quam ut differri expediat"; and he adds (p. 143). "Non enim linguae in primis est haec caelestis doctrina sed vitae." Salmeron's ideal of a bishop, *ibid.*, pp. 101 ff.

the bread of the word of God for their people, the bread of the gospel to which the Church owes her origin and growth, and if their own lives conform to this gospel. Like Du Conseil, Marinarius is convinced that the decrees of the Council will never reach the people but will remain a dead letter if they are merely promulgated but not translated into practice. The ideal of the bishop and the priest which we glimpse here was expounded in the above-mentioned sermon of Salmeron on the feast of St John the Evangelist with scholastic fullness but likewise with great earnestness and vividness of language: "The duty of following in the footsteps of Christ is most strictly binding on the pastors; they are bound to follow the Good Shepherd not from afar but closely, like the Beloved Disciple. To him Christ on the cross committed his mother; to the bishops he commits his Church. Why is it that the faithful show but little love and reverence for their pastors? It is because the shepherds wish to be feared as princes, not to be loved as fathers; they seek to satisfy their ambition in the Church, covet ever wealthier and more splendid dioceses, or else they are asleep, neglect God's field, abandon his sheep to the wolves."

The modern reader needs no detailed demonstration to convince him that the preachers of the Council of Trent not only formed a proper estimate of the past and the present but had also a presentiment of the future. Much of what they said about the need of a reform of the Church was to be found in the sermons and reform tracts of the two previous centuries, but their tone is different—the fact of the great apostasy can no longer be ignored. It is this consciousness that causes their words to ring like an adjuration. The authors of the schism are not there, but they are present to the mind of the preachers. What was their view of the Protestant reformation?

From the theologians' list of errors we gather that Calvin and the Calvinistic form of Protestantism, the *Institutio* and the ecclesiastical constitution of Geneva, had not yet come within the purview of the Tridentine theologians. For them Protestantism was identical with Lutheranism—that "calamity from the north".¹ Salmeron was only too well aware that it was no longer restricted to Germany but had spread over the whole of Europe, so that there was not a corner of the Church's territory that had escaped contact with it. At no previous period of her history did the Church have to contend with a more wide-

¹ For the preachers' view of the schism see Le Plat, vol. 1: for Du Conseil, pp. 78 f.; Salmeron, p. 103; Georgius a S. Jacobo, p. 119; Carvajal, pp. 128 f.; Marinarius, p. 141.

spread and obstinate revolt than at this unhappy time. For the Portuguese Georgius a S. Jacobo it was incomprehensible that the mighty German nation, a people of so serious a character and so keen on doing what was right, could allow itself to be deceived by Martin Luther and won over to his *fide fiducialis*. Luther had not wrought a single miracle to prove the divine origin of his teaching (Carvajal). He sets himself against the current of ecclesiastical tradition. In his opinion the Fathers of the Church and the princes of theology are in error while he regards the Chair of St Peter as the tower of Antichrist (Salmeron). We can only account for his success if we bear in mind that the angel of darkness has always been in the habit of transforming himself into an angel of light: by their fruits alone can the one be distinguished from the other (Carvajal). These fruits are palpable; the liberty proclaimed by the innovators is but a cloak for wickedness. Fasting, abstinence and every form of asceticism they regard as sacrilege. They expect the Council to abolish every precept of this kind. If we were to yield to their demands the Council of Trent would not be the tenth oecumenical Council but (after Rimini and Ephesus) the third sham Council (Du Conseil). One argument against the new teaching is that its adherents—the Protestants, “are more variable than Proteus”. Every form of Protestantism makes a fanatical claim that it preaches the real Christ and that it alone possesses his spirit and a right understanding of Holy Scripture. They demand that Catholics should join them in keeping a new Pentecost, accept the newly discovered gospel and reform the Church of Christ in accordance with this spirit (Marinarius). Such a “reformation” is unacceptable: it has led to the division in the Church.

At a later date, in 1558, Carranza's disciple Domiño de Rojas testified before the Spanish Inquisition that during the course of the Council his master had assimilated Luther's small book on the liberty of the Christian and had made its vocabulary his own, to such an extent that when he himself read the book later on he was extremely surprised to find in its pages thoughts with which he had long been familiar. For all that, De Rojas added, at that time Carranza was most keen to refute Luther's assertions, so much so indeed that to many his keenness appeared excessive.¹ The case is a typical one. As often as we meet

¹ Rojas's assertions about Carranza in E. Schäfer, *Beiträge zur Geschichte des spanischen Protestantismus und der Inquisition*, vol. III (Gütersloh 1902), pp. 765, 768, 772; cf. H. Jedin, “Das Konzil von Trient und der Protestantismus”, *Catholica*, III (1934), pp. 137-56. The theme here broached needs to be studied much more thoroughly. What is certain is that Trent provided many theologians from Latin

with any approximation to Luther's teaching on grace and justification by some of the theologians of the Council, men like Bonuccio or Seripando, Giulio Contarini or Sanfelice, we also see that not one of them approved of the Protestant reformation, of separation from the body of the universal Church. All of them long for a regeneration of the Church, but all of them are also convinced that this rebirth must spring from the very essence of the one Church in which they all had their being, that is, it must be brought about by means of a Catholic reformation.

The conciliar sermons were a sustained examination of the Council's conscience. They also give us a key to the understanding of the not very numerous or detailed accounts of the social and spiritual life on the fringe of the Council. Everyone in that assembly was aware that as many critical eyes as hopeful ones were fixed on Trent. The medieval forthright acceptance of life—in spite of a sense of the essential vanity of the world—as well as its care-free enjoyment at the court of the Renaissance Popes up to the time of the Medici, were things of the past. No pleasure-loving monarch like the Emperor Sigismund was there to lighten the Council's stern task by arranging tournaments and other courtly entertainments. Unlike the Councils of the Middle Ages this was no congress representing an undivided Christendom. Madruzzo's court was the court of a spiritual prince whose style surprised more than one of the prelates who had come from distant countries, but it was nevertheless the style of an ecclesiastical court. However, no court, so we read in Castiglione's *Cortegiano* (III, 3), however splendid it may be, is able to display brilliance and gaiety without the presence of ladies. The one occasion when Madruzzo introduced them into the life of the Council caused a sharp collision of opinions.

During the carnival of 1546, the cardinal had made arrangements for the celebration in the castle of the wedding, on 3 March, of one of his nobles, to which he invited several prelates, including the Archbishop of Palermo, the Bishops of Agde and Clermont, the conciliar commissary Sanfelice of La Cava, Bishop Campeggio of Feltre and the

countries with the opportunity of becoming acquainted with the Reformers' teaching at its source (*see* for instance Páez de Castro's remark about Lutheran books at Trent). But the adherents of the Reformation in Trent and the surrounding district were very few, cf. V. Zanolini, "Appunti e documenti per una storia dell'eresia luterana nella diocesi di Trento", *Annuario del Ginnasio pareggiato Principesco Vescovile di Trento* (Trent 1909), pp. 1-116; *id.*, "Eretici in Valsugana durante il Concilio di Trento", *Annuario*, etc. (Trent 1927), pp. 1-78.

auditor Pighino. All these, in accordance with local custom, joined in the bridal dance, the cardinal himself leading off. As soon as Cervini learnt what had occurred he took Madruzzo sternly to task. Del Monte, on the other hand, sent him word that if he had not been ill he would have joined in without any hesitation. Pole observed that in his country it was customary for clerics not only to join in the bridal dance but even to bestow on their partner the customary salutation on such an occasion. This means that they regarded the whole affair as quite harmless and that Cervini stood alone. His motive is, of course, obvious; what a scandal there would be if the opponents of the Council were to hear that members of that assembly had lightheartedly joined in a merry round.¹ The austere spirit of ecclesiastical reform of which Cervini was the embodiment condemned such worldly diversions, even if they were permissible, in the members of the Council.

As a matter of fact Madruzzo, who in the meantime had taken full responsibility for what had occurred, did not by any means shut himself off from this new spirit: thus during the carnival of 1546 he forbade the wearing of masks in the city, though the prohibition proved ineffective. In the following year the diversions of the carnival were forbidden on account of the recent death of Madruzzo's brother Aliprando.² Between the opening of the Council and its translation the cardinal gave four banquets on the grand scale, namely on the Emperor's birthday, at the same time as Pacheco; on the Tuesday of Easter Week, for the whole Council; on 26 July for forty-two bishops and the senior officers of the papal army; on 5 August on the occasion of Pacheco's reception of the red hat. The legates abstained from large-scale hospitality and contented themselves with inviting conciliar prelates and theologians, either singly or in small groups, to partake of a meal with them. From Massarelli's diary we learn that the same line was taken by the rest of the prelates. We shall scarcely be mistaken if we assume that a good deal of conciliar policy was discussed at these entertainments.

The legates' restraint with regard to social entertainments was not exclusively inspired by fear of possible scandal; it was also prompted

¹ The wedding in the castle of Trent, *C.T.*, VOL. I, pp. 507, f.; on 5 March 1546 Vergerio writes to Cardinal Gonzaga (State Arch. Mantua 1915) that Del Monte and Pole had shown themselves "buoni compagni", but adds in conclusion: "ad ogni modo saria scandalo che s'habbi a dire che i vescovi di Feltre, vecchi padri del concilio, habbino saltato o ballato."

² The carnival at Trent, *C.T.*, VOL. I, pp. 509, l. 3; 510, l. 4; 617, l. 6. The banquets of the imperial cardinals, *ibid.*, pp. 493, l. 7; 541, l. 38; 565, l. 24. Invitations by Cervini, *ibid.*, pp. 377, l. 29; 381, l. 27; 399, l. 12; 616, l. 18 and elsewhere; by Del Monte, *ibid.*, p. 549, l. 4.

by a severely practical motive, namely the problem of accommodation. Immediately after his arrival at Trent on 6 March 1545, Massarelli had rented for his master Cervini the most beautiful of all the city's palaces, the Palazzo Girolidi, later on called Palazzo Prato.¹ On 22 April 1545 Del Monte, who at first lodged in the house of the jurist Antonio Queta, transferred to Cervini's residence and there both were soon joined by Pole. This close proximity of the legates under one roof was undoubtedly a great advantage for a uniform guidance of the Council. It was also a great convenience for the legates themselves because the general congregations and the congregations of theologians were held in the great hall of the Palazzo Girolidi. However, the palace, now no longer in existence and only known through an old engraving, did not offer sufficient space for large-scale entertainments. It was much smaller than the palaces of the Roman cardinals and was therefore inadequate for the accommodation of the households of three cardinals. This is why Massarelli lodged with the archdeacon and only returned to the Palazzo Girolidi on 3 December 1546, no doubt because the legates wished to have him always at hand.

Cardinal Pacheco, on the other hand, had the whole of the Palazzo Salvadori for his exclusive use. Well-to-do bishops occupied the spacious houses of burghers; thus the Archbishop of Palermo lodged in the Casa Cazuffi in the Via Larga and the Bishop of Astorga in the Casa Costede. The imperial envoy, Francisco de Toledo, secured for himself the Palazzo Queta which had been occupied at first by the president. His colleague, Diego de Mendoza, stayed at the Dominican

¹ Data about the lodgings of the prelates at Trent in S. Weber, "Le abitazioni dei padri a Trento durante il Concilio", *Il Concilio di Trento*, I (1942-3), pp. 57-64; 139-46, are in part taken from notaries' protocols and partly from sources of the second order and therefore not altogether reliable; thus for instance the squabble with the landlady Barbara, *C.T.*, VOL. I, p. 443, is wrongly ascribed to Musso, who at that time was no longer Bishop of Bertinoro. Massarelli describes the "house" of G. B. Girolidi, lord of Segunzano, which he rented for Cervini, as "ampla, pulchra et aeris salubritate majori totius civitatis posita", *ibid.*, p. 177, l. 28. He does not mention that as soon as Pole arrived at Trent, on 4 May, 1545, he went to stay at the Palazzo Girolidi, *ibid.*, p. 183, l. 35, though in the last days of November he notes that all three legates lodged there, *ibid.*, p. 338, l. 33. On 28 December they stood godfathers to the son of their host, Giovanni Maria Melchior, and made him a christening-present of 50 scudi, *ibid.*, p. 361, l. 21. Some details about the quarters of the prelates are also found in Casagrande's contribution to H. Swoboda's compilation: *Das Konzil von Trient, sein Schauplatz, Verlauf und Ertrag* (Vienna 1912), pp. 22 ff., 26 ff., but they are based on Giuliani. To what I have said about the conditions of accommodation in the Palazzo Girolidi it might be objected that on 6 August 1545 Del Monte gave a banquet which Massarelli describes in detail, *C.T.*, VOL. I, pp. 231 f.; but it must be remembered that at that time there were less than two dozen prelates at Trent and only twelve members of their suites were invited.

convent of San Lorenzo whenever he happened to visit the city. Very few Italian bishops were in a position to rent a whole house, as did the Archbishop of Siena and the former nuncio in Germany, Mignanelli. The "poor" prelates, who were dependent in greater or lesser measure on the very niggardly assistance they received from the conciliar chest (25 scudi a month) had to be satisfied with rooms in private houses whose owners were not in a position, like the well-to-do, to evacuate them and to escape to a villa in the neighbourhood of the city. Housing conditions therefore naturally kept social life within certain bounds. Hospitality in the grand manner could only be dispensed by Madruzzo, who had at his disposal not only the magnificent castle but in addition also the Palazzo delle Albere which stood in a spacious garden on the outskirts of the city, a villa above the defile of the Fersina and the castles of Toblino and Riva somewhat further away.

The garden of the Palazzo delle Albere was the setting of the Dialogue on human society which the poet of the *Christiad*, Girolamo Vida, claims to have held in the summer of 1545—hence before the opening of the Council—with Marcantonio Flaminio and Aluise Priuli, in the presence of the conciliar legates. The text of this dialogue he subsequently embodied in his book *De dignitate reipublicae seu civilis societatis*, published in 1556.¹ "The Muses feel the cold", Priuli said. "Mine are silent", Flaminio answered. "How is that?" Vida retorted. "Are we not nearly consumed by the heat of the sun and are not the crickets chirping all through the hot nights?" When Pole and

¹ Girolamo Vida (1485-1566), Canon of the Lateran, from 1533 Bishop of Alba, was at Trent from 29 May, to 6 September 1545, *C.T.*, VOL. I, pp. 196, l. 28; 260, l. 3. Though recalled by the legates in November, *ibid.*, pp. 319, l. 4; 328, l. 34, he only reappeared at the general congregation of 14 June 1546, VOL. V, p. 221, l. 19, and departed on 25 August, VOL. X, p. 872, n. 5; cf. pp. 626, l. 12; 630, l. 3. We meet him again on 8 March 1547, shortly before the translation, VOL. V, p. 1011, l. 46. The dialogue in the Palazzo delle Albere must therefore have taken place in the summer of 1545, if it has historical authority. The account is reproduced in P. Paschini, *Un amico del Cardinale Pole, Aluise Priuli* (Rome 1921), pp. 87 ff.; a reprint with the interesting dedication to Pole and a detailed introduction are found in G. Toffanin, *L'Umanesimo al Concilio di Trento* (Bologna 1955), pp. 75-157. Besides the *Christiad* which imitates Virgil, Vida also composed an *Ars poetica*, cf. Toffanin, *Il Cinquecento* (Milan 1929), pp. 49 f., 63. His *Opera* in two volumes, Padua 1731. Of the letters published by F. Novati in *Archivio storico lombardo*, Series 3, xxv (1898), pp. 195-281, the only important one for us is that addressed to Paul III (without date), no. 14, pp. 270-3, because it describes episcopal residence as the best preventive against the advance of Protestantism. V. Osimo, "Le costituzioni sinodali di G. Vida", *Giornale della letteratura italiana*, LVII (1911), pp. 332-47, describes Vida's statutes for the diocese of Alba which were printed at Cremona in 1562. A. Ratti, *Scritti storici* (Florence 1932), pp. 253 ff., speaks of Vida as a "buono e dotto ecclesiastico" and an "executore operoso" of the Tridentine reform; for his courageous intervention on behalf of Flaminio, see Buschbell, *Reformation und Inquisition*, p. 320.

eventually Del Monte and Cervini also joined the company Vida expounded the advantages of social life while Flaminio enumerated its disadvantages. The disputation lasted until evening and at the approach of night Vida escorted his guests as far as the city gates. Not long afterwards, on 6 September 1545, the poet fled from the sweltering heat of the city. He only returned in the following year, shortly before *Sessio* V, but Flaminio and Priuli remained with their friend Cardinal Pole.

In the course of the summer of that year, on 4 July 1545, a young Spanish humanist also arrived at Trent. He was Juan Páez de Castro, secretary to Diego de Mendoza.¹ His first impression was one of disappointment. Humanistic books that would have interested him were nowhere to be seen, but everywhere he came upon Lutheran writings which held no attraction for him. However, his opinion underwent a change as soon as Mendoza had his library transferred to Trent, for it was particularly rich in printed books and manuscripts of Greek authors. Together with his secretary, Mendoza took up the study of Aristotle's *Mechanics*, and whenever the young man's energy began to flag, the older one would encourage him: "Come, let us apply ourselves to study, Señor Juan Páez!" he would say. During the winter of 1545-6 the latter decided to form a group with men of similar tastes for the study of Aristotle for which the Aldus edition and a number of Greek and Latin commentaries were available. On 24 March 1546 Páez wrote to his friend Jeronimo Zurita, who was presently to be named chronicler of the Empire by the Cortes of Aragon, that in future he would devote all his energy to Plato and Aristotle and that he hoped for great results from this study. His first concern was the production of a better text. When spring came he

¹ Twelve letters of Juan Páez de Castro to Jerome Zurita for the years 1545-7 in D. Dormer, *Progresos de la historia en el Reyno de Aragón* (no place or date; the preface is dated from Saragossa, 8 December 1678), pp. 461-79. According to A. González Palencia-E. Mele, *Diego Hurtado de Mendoza*, VOL. I (Madrid 1941), pp. 314 ff, Páez, later on the court-historian of Charles V, was at that time "pensionado", not a real secretary to the ambassador. The addressee of the letters, Zurita, was soon afterwards appointed chronicler for Aragon and is the author of the celebrated *Anales de la Corona de Aragón*, cf. B. Sánchez Alonso, *Historia de la historiografía Española*, VOL. II (Madrid 1944), pp. 32 ff. Besides these letters of Páez yet another addressed to Dr Augustin de Cazalla, dated 10 April 1546, is printed by Ch. Graux, *Essai sur les origines du Fonds grec de l'Escorial* (Paris 1880), pp. 402 ff., and another of 3 April 1547 addressed to Zurita is reproduced in the *Vida literaria del D. J. L. Villanueva por el mismo* (London 1825), p. 414, printed in part in *C.T.*, VOL. XI, p. xxxviii. On Páez de Castro's Tridentine studies see Graux, *Essai*, pp. 79-89; for Mendoza's library, *ibid.*, pp. 165 ff. Massarelli visited it together with Hervet on 31 May and borrowed for Cervini eight Greek manuscripts, *C.T.*, VOL. I, p. 197, l. 38.

conceived the idea, in concert with Fracastoro, the physician of the Council, who had arrived at Trent by this time, and the Trent doctor Giulio Alessandrini, of forming a group for his study of plants and metals for which the flora of the Alps and the mines of the neighbourhood of Pergine furnished abundant material. In addition to these activities Páez also took a lively interest in every novelty in the Venetian book market, such as new editions of Caesar and Boethius, Fracastoro's work on contagious diseases and Bembo's *History of Venice*. He was enthusiastic about the plan of Cosimo of Florence for the establishment there of a Greek printing press for the purpose of publishing "all the good things" to be found in the Florentine libraries. "If the same is done in France", he observed, "we shall soon have in our hands a great treasure of Greek authors." In order to provide himself with a bibliographical vade-mecum he copied out Photius's *Library*. So insatiable was his appetite for studies of this kind that his equanimity was not perturbed when at the end of 1546 Mendoza did not choose him, but Montesa, for his secretary when he left for his new post in Rome. In the spring of 1547 he paid a short visit to Rome. While there he transcribed in the Vatican Library, for the Bishop of Badajoz, an "Explanation of the Liturgy of St John Chrysostom" and several "Lives" of Saints, and had dealings with Antonio Agostino. He then returned to Trent, now depopulated on account of the translation of the Council to Bologna, and resumed his beloved studies together with Giulio Alessandrini. Trent had become for him a place of useful stimulation and valuable contacts: "I should love to remain at Trent for years", he wrote to Zurita on 8 June 1546, "for nowhere in Italy can one learn so much by mixing with others as here where a goodly number of the best brains of Spain and Italy are to be found."

Such a judgment may have been inspired by youthful enthusiasm, but it is a fact that at this time Trent held within its walls not only able theologians and canonists, but likewise a number of the best among the humanists. It will suffice to name a few. In view of his reputation as a stylist the Bishop of San Marco, Coriolano Martirano, who had resided at Trent since 1 June 1545, had been commissioned to draw up the Council's letters to princes which, in point of fact, were never despatched.¹ Páez's impression was that the bishop lacked profound erudition but he acknowledged his linguistic accomplishments. He

¹ For Coriolano Martirano, Bishop of San Marco, 1530-57, see CH. I, p. 24, n. 1. His Latin tragedies, including one translated into Italian under the title "Christus", were printed at Naples in 1563; the *Epistolae familiares* (Naples 1856) I have not seen.

had translated Homer and Plautus and was himself the author of eight Latin tragedies. He was, however, far surpassed by his countryman Seripando, at one time the glory of the Neapolitan humanists and a noted Platonist, but now one of the pillars of the Council on account of his knowledge of St Augustine and of theology, as well as on account of his eloquence. Another Neapolitan, Galeazzo Florimonte, Bishop of Aquino, belonged like Vida to the older generation of humanists who had lived in, and enjoyed, the period of the Medici, but he had undergone a change of heart and joined the reform movement.¹ Like the rest of the men around Pole and Seripando, Florimonte saw in Giberti, Bishop of Verona, the man who would lead the Church into a better future; but he too did not escape the fate of the rest of Giberti's "brood", namely the accusation of heresy, although during the debate on justification, "as orthodox as any", he had cautioned the Fathers against the little book entitled *Of the Benefit of Christ*. A disciple of Agostino Nifo, Florimonte had written in the course of the summer of 1545, a book on the freedom of the will which he forwarded to Trent. He was anything but "old and childish", as Massarelli described him on one occasion. While the Council was in session he began a translation into Italian of select homilies of the Fathers of the Church, in order to provide models for preachers. The collection was published in 1552 and remained in print until the nineteenth century.

The impulse for this undertaking came from Cervini, whom it is no exaggeration to describe as the soul of humanism at Trent. A genuine philologist both by nature and personal inclination, Cervini had interested himself, previous to the Council and when already a cardinal, in the production of critical editions of Cicero and Xenophon, Aristotle and Vitruvius; but at this time he concentrated his own energy and that of his friends and familiars on the accumulation of historical and patristic material in support of Catholic dogma and the

¹ Literature on Galeazzo Florimonte (1484-1565), made Bishop of Aquino, in 1543 and in 1552 Bishop of his native city of Sessa/Aurunca, in Jedin, *Seripando*, VOL. II, pp. 292 ff. Arrival at Trent 12 December 1545, *C.T.*, VOL. I, p. 401, l. 41; the covering letter to Cervini for *De libero arbitrio*, dated 11 July 1545, is mentioned in *H.J.*, XXI (1900), p. 419. Massarelli's depreciatory remark about him, *C.T.*, VOL. I, p. 383, l. 34. There are many proofs of his sincere will for reform in the course of the debate on residence, VOL. X, pp. 528, l. 26; 685 f.; 773, l. 32; 878, l. 8. The warning against the little book *Del beneficio di Cristo*, VOL. V, p. 365, l. 23. Work on the homilies of the Fathers went on for several years, as we learn from the extracts of his letters to Cervini, Buschbell, *Reformation und Inquisition*, p. 13, n. 1; further evidence of his reforming activity and his good relations with Cervini, *ibid.*, pp. 212 f., 234 f., 319.

institutions of the Church. His court at Trent included the Frenchman Gentien Hervet, the translator of a number of Greek classical writers and Church Fathers. His authority for patristic information in Rome was Guglielmo Sirleto, a Calabrian, who had only recently declined the offer of a professor's chair of Greek at Perugia in order to devote himself uninterruptedly to the "autori divini". In his case, this meant the study of the manuscripts of the Greek Fathers of the Church.¹ He likewise declined an invitation to Trent, but at Cervini's request furnished from the manuscripts of the Vatican Library patristic texts bearing on whatever happened to be the theme of conciliar discussion. This he did in long letters. In this way he forwarded texts of SS Irenaeus and Basil on the value of Tradition, on the canonicity of certain controverted books of the Bible, and on the value of ancient translations of the Bible, among which he assigned the first place to the Septuagint. At a later date he forwarded passages on the necessity of good works and on the freedom of the will taken from the writings of St Gregory of Nyssa and St Hilary of Poitiers, and excerpts from other authorities of Christian antiquity as witnesses to Baptism and the Eucharist. We also come across, though more rarely, matter bearing on Church reform, as for instance texts on the appointment of bishops and priests from the writings of the great Cappadocians. Sirleto was acquainted with the works of Lefèvre d'Étaples and frequently criticises Oecolampadius's translations of the Fathers. He also informed Cervini of the publication in Rome of the treatise of Theodoret of Cyrus, against heresies, some passages of which had given rise to misgivings on dogmatic grounds. These Cervini submitted to the learned

¹ Cervini's correspondence with Sirleto in Vat. lat. 6177 (Sirleto's letters) and 6178 (Cervini's letters) has been published in part by Buschbell, *C.T.*, vol. x, pp. 929-55, but with verification of the texts from the Fathers quoted in them; see also Eheses in *R.Q.*, xi (1897), pp. 602 ff., and above all S. Merkle, "Ein patristischer Gewährsmann des Tridentinums", *Festgabe Albert Ehrhard* ed. by M. Königer (Bonn 1922), pp. 342-58. However, Merkle's assertion (p. 344) that the correspondence contains "the patristic proofs for nearly all the Tridentine decrees" is surely an exaggeration, were it only that a number of Byzantine authors are also quoted though no use was made of those extracts. We pass over the discussion of controversies in the correspondence, such as that of St Peter's sojourn in Rome, the number of the so-called apostolic canons, the baptism of Constantine, Constantine's Donation, etc.—The earlier literature on Cardinal Sirleto (1514-85), one of the most erudite as he was one of the most unassuming scholars in sixteenth-century Rome, *C.T.*, vol. x, p. 929, n. 1; also P. Paschini, *Tre ricerche sulla storia della Chiesa del Cinquecento* (Rome 1945), pp. 153-281; *id.*, "Il card. G. Sirleto in Calabria", *Rivista di storia della Chiesa in Italia*, i (1947), pp. 23-37; Ratti, *Scritti storici*, pp. 229-335. In 1566 Sirleto was Charles Borromeo's candidate for the tiara, Pastor, vol. VIII, pp. 29 f. (Eng. edn., vol. XVII, p. 37); his bust and the inscription on his tomb in A. Grisebach, *Römische Porträtbüsten der Gegenreformation* (Leipzig 1936), pp. 107 ff.

Franciscan Jean du Conseil, who, together with Hervet and the envoy Pierre Danès represented French humanism at Trent. To form an estimate of the intensity with which these studies were pursued, stimulated as they were by the Council, we shall have to examine the correspondence of Cervini and Sirleto. By this means it is also possible to watch the first awkward steps of the rising science of patrology into the world of the Greek Fathers and Byzantine literature.

The calm days of 1545, while Massarelli, no doubt at Cervini's request, was gathering material for a history of the Papacy and of the cardinalate in the last period of the Middle Ages, as well as copying for the legate's benefit some of the acts of the early Councils, were long past. The work of the Council took up all Cervini's time and the whole of his energy, but it did not kill the cardinal's interest in the literature of Christian antiquity. In the very midst of the greatest political tension in the summer of 1546, when he had been personally threatened by the Emperor on account of his plan for a translation, Cervini begged for, and obtained from Mendoza, the imperial envoy, a manuscript of the seventeen books of Cyril of Alexandria on the worship of God in spirit and in truth: the unwritten laws of the republic of letters were above politics.¹ The enthusiasm for the works of classical antiquity, which during the Council of Constance sent Poggio into the libraries of the monasteries on the shores of Lake Constance, was replaced in the case of the Tridentine humanists by an equal keenness to read the Bible and the Fathers in the original text, to publish it and make use of it in the defence of the Church. But they were not on that account mere drudges of the Council. They kept an open mind for what, in those days, constituted scholarship, and not only the diplomatists among them, men like Mendoza and Danès, the editor of Pliny's *Natural History*, or Abbot Isidoro Chiari, the friend of the poet Falengo, but even Cervini himself, in spite of his multitudinous occupations. When at the end of March 1546 Maffeo informed him of the discovery in the Roman Forum of the lists of consuls (*Fasti consulares*), he asked by return of post for a copy to be made for him. Even the arts were not forgotten. Thus in the very midst of the discussions about the Bible,

¹ For Massarelli's historical work previous to the opening, *C.T.*, VOL. I, pp. 227, l. 8; 229, l. 11; 243, l. 22; 247, l. 17; at a later date p. 497, l. 13, and Merkle's account in the Introduction VOL. I, pp. xcvi ff. Cervini's learned exchange with Mendoza, VOL. I, pp. 570, l. 21; 586, l. 7; his order for a translation of the Mass of the Maronites, VOL. X, p. 418, l. 4; cf. M. Dorez, "Le Cardinal Cervini et l'imprimerie à Rome", *Mélanges d'arch. et d'hist.*, XII (1892), pp. 289-313; P. Costil, "Paul Manuce et l'humanisme à Padoue à l'époque du Concile de Trente", *Revue des questions hist.*, LX (1931-2), pp. 321-62.

in May 1546, Bishop Bertano took time off in order to gratify an artistic aspiration of Cardinal Gonzaga. Through Pole he had learned that the cardinal of Mantua was anxious to possess a picture of Christ by Michelangelo. On Pole's instructions Bertano offered the cardinal on 12 May 1546, a Pietà then in Pole's possession and by that artist, with the remark that if Gonzaga accepted it, the legate would not deem himself to have been robbed, for, through Victoria Colonna, he would be able to get another picture of Christ by the same artist.¹ The incident is only a side light, but it illustrates an aspect of the Council of which we know almost nothing.

Intellectual life and scholarly work are unthinkable without books and libraries. The building up of a conciliar library had been mooted long before the Council by a German controversial theologian, Johann Fabri, who had even submitted detailed proposals to that end; but nothing had been done,² so that the Fathers of the Council were obliged to fall back upon such libraries as they found at Trent and on the books which individual members had brought with them.³

Thanks to Prince-Bishop Hinderbach's zeal for collecting books (1465-86), the episcopal library in the castle contained a notable store

¹ The finding of the *Fasti consulares*, C.T., vol. x, pp. 429, l. 10; 437, l. 17. The passage on Michelangelo's Pietà in Bertano's letter to the Cardinal of Mantua, 12 May 1546, incomplete in vol. x, p. 484, n. 3, is here given after the State Arch. Mantua 1915. Art historians must decide which work is meant: "Mons. Polo ha per notitia ch'ella desidera un Christo di mano di Michelagniole et ha me imposto che io intenda secretamente la verità di cotal suo desiderio. Perchè essendo in effetto, egli ne ha uno di man propria del detto che volontieri gliele manderebbe, ma è in forma di pietà, pure se gli vede tutto il corpo. Dice che questo non sarebbe un privarsene, percióchè dalla Marchesa di Pescara ne può havere un altro. V.S. Ilma me ne scriva."

² In his *Praeparatoria* of the year 1536 Johann Fabri suggested that six or seven copies of the works of Luther and the other reformers should be purchased and handed to each of the "conciliar nations" whose formation he still expected, C.T., vol. iv, p. 11, l. 8. He also proposed that the works of the Catholic controversial theologians should be collected, and that as many as a hundred copies of Crabbe's *Concilia omnia* should be procured together with Oecolampadius's and Capito's editions of the Fathers, *ibid.*, pp. 13, l. 47; 17, ll. 2 and 32. Morone reported on the subject on 17 December 1536, remarking that 500 ducats would not be enough for the realisation of so vast a programme, N.B.I., vol. II, p. 80. In his answer to the objections raised against the *Praeparatoria* from the curial side Fabri defended his proposals and supplied catalogues of books, C.T., vol. iv, pp. 55 ff.

³ G. A. Tarugi Secchi's work *La Biblioteca vescovile Trentina* (Trent 1930), pp. 36 ff., which I have drawn upon for my text in vol. I, pp. 560 f. gives a general view of the codices—roughly 90—acquired by Bishop Hinderbach; the collection may very well have included the manuscript of the Westphalian Cistercian, Hermann Zoestius, mentioned by Pseume, C.T., vol. II, p. 742, l. 15. According to J. Lunelli, *La Biblioteca comunale di Trento* (Trent 1937), the city library of Trent acquired 2,318 volumes from the monasteries secularised by Joseph II, but it is obvious that a large portion of them were only acquired after the Council.

of manuscripts including, among other works, books on conciliar theory (the *Defensor Pacis*, Heinrich von Langenstein, Roselli), and on the reform Councils of Constance and Basle, as well as works of the humanists (Flavio Biondo, Aeneas Silvius Piccolomini). Cardinal Cles had further enriched it with a great number of printed books of the reformation period. So had Madruzzo in all probability, though the latter had turned it into a kind of museum so that, if we may believe Páez de Castro, it did not have the same importance for the members of the Council as the collection of books of that great bibliophile, Diego de Mendoza, which was transferred to Trent in the summer of 1545. This collection, besides a number of Greek manuscripts, also contained printed books on every department of knowledge ("en todas facultades") and writings of Protestant authors ("de los Luteranos") which Mendoza had probably acquired in the Venetian book-market. The two Franciscan convents, that of the Dominicans at San Lorenzo and that of the Augustinians at San Marco, no doubt possessed theological libraries of smaller dimensions. But it is certain that even these collections were not adequate to meet the Council's great need of books and the intellectual requirements of its members. It may be taken for granted that the generals of Orders and their theological staff, as well as the theologians and canonists among the prelates had brought books of reference for their personal use, but we have the catalogue of only one such library.¹

The Spanish crown jurist Quintana had brought from Barcelona five chests of books on canon and civil law the inventory of which has been preserved owing to the fact that when their owner died at Trent on 28 January 1547, the Trent notary Malpaga drew up an inventory of his belongings. Quintana owned the works of almost all the great canonists of the late Middle Ages, from Archidiaconus and Hostiensis to Panormitanus, as well as those of the elder contemporaries—San-

¹ The inventory of the books left by Quintana in G. Ciccolini, "Riflessi del Concilio di Trento nei registri del notaio Giorgio Malpaga", *Atti della Accademia Roveretana degli Agiati*, VOL. IV, PT IX, (Rovereto 1929), published separately, pp. 22-31. Many of the authors there mentioned were utilised in Quintana's memorial on the precedence of Ferdinand I's envoys over the French, *C.T.*, VOL. XII, pp. 453-7. On the portable libraries of other members of the Council we have only the most meagre information. The library of the Franciscan general Lunello († 13 February 1549), to give one instance, must have been considerable. In the period from April 1545 to June 1547 Seripando spent 30 scudi on books, although he had already acquired, in previous years, a great many books on Church history and on the Councils, obviously with a view to the Council, Jedin, *Seripando*, VOL. I, pp. 291 f. (Eng. edn., pp. 247 f.). The inventory of the Bishop of Capaccio, *C.T.*, VOL. X, pp. 887 f., contains no information about books.

giorgio, Felinus and Decius, the writings of Jacobazzi and Ugoni on the Councils and the Franciscan Peter Crabbe's edition of the Councils which was much used at Trent. As the authoritative advocate of the royal prerogatives in Catalonia, Quintana had also taken with him the collections of laws of his native country and the relevant treatises of the jurists Marquilles and Mieres. It was an excellent law library—but outside his own sphere nothing interested the jurist: not one theological or humanistic title figures in the catalogue. On the other hand Quintana's library would have sufficed by itself alone for the solution of canonistic controversies.

There is considerable evidence that the formation of a large conciliar library failed to materialise not only on account of the difficulty of getting books, but likewise by reason of their high cost. As things were, the Council was an expensive affair for most of its members.

It is a principle of Canon Law that all bishops and other prelates bound to attend the Council had to make the journey and maintain themselves while it was in session at their own expense, nor could they claim any compensation for this expenditure; the only alleviation they enjoyed was exemption from the papal tenth and certain subsidies granted to them by a brief of 1 January 1546. However, the organisation of a General Council necessitated a great deal of further expenditure for the presidency, for the body of officials without which a gathering of this kind would not be able to function, for publicity and information, for the preparation of the place of assembly and for the liturgical functions of the Council and its external protection. The Council of Basle, in accordance with conciliar theory which subordinates the Pope to the Council, had constituted its own conciliar curia, while for the purpose of meeting its financial requirements it had recourse to the bestowal, on its own authority, of benefices, the seizure of moneys raised by the concession of indulgences and by the imposing of its own taxes. If the Papacy rejected the notion of the Council's superiority over the Pope it was bound to accept the financial consequences and assume the cost of the direction of the Council which it claimed for itself, and in fact exercised, as well as those of the functioning of its whole machinery. In spite of his desperate financial position Eugenius IV had made provision for the Greeks during the Council of reunion of Ferrara-Florence. At the fifth Lateran Council the Pope's expenditure was on a restricted scale on account of the assembly being held in Rome, the seat of the Curia, so that the officials of the papal court and the

curial officials—and their accommodation—were at hand while an exchange of reports and instructions between Pope and Council was unnecessary. At Trent conditions were very different.¹

In a conference with Mendoza and Madruzzo, in the last days of October 1546, the legates stated that the Pope's expenditure for the Council amounted to between 50,000 and 60,000 scudi a year.² The figure is somewhat exaggerated, but when one computes all the Pope's traceable expenses, one still arrives at an annual sum of between 30,000 and 40,000 scudi. This sum is made up by the salaries, called "provision", of the three legates—500 scudi a month each—and must be described as a compensation for service and expenditure, for out of this sum they had to maintain not only their Tridentine court (37 persons in the case of Cervini) but their Roman one also. They were moreover obliged to contribute to the personal and material expenses of the Council. These salaries were remitted by the Apostolic Camera to the Giunti bank at Venice, where they were collected each month by the legates' messengers. But as early as the spring of 1545 it became evident that besides this salary the legates also needed a sum of ready money. The "poor bishops" of the dioceses of Lower Italy and those of the eastern Venetian territories were unable to meet the cost of the journey to Trent and of their stay there out of their slender revenues and were therefore in need of financial assistance. In consequence of the legates' representations made on 12 April 1545, they obtained 2000 scudi at the beginning of July. Of this sum Del Monte and Cervini took 900 scudi each, which they handed over to their personal treasurers for administration. The remaining 200 scudi were

¹ According to J. Haller, "Zur Geschichte des Basler Konzils", *Zeitschrift für die Geschichte des Oberrheins*, xvi (1901), pp. 233-45, the account-books of the Council of Basle have been lost. In this place Haller publishes the account of the conciliar banker Alberti, who between 31 July 1437 and February 1439 had handed out, for conciliar purposes, a round 9250 Rhenish florins. The stabling accounts of Cardinal Aleman published in *Concilium Basiliense*, vol. VIII, pp. 205-49, are of little use for our purpose. According to A. Eckstein, *Zur Finanzlage Felix V und des Basler Konzils* (Berlin 1912), that assembly ended not only in an ecclesiastical bankruptcy but in a financial one as well. The expenditure of Eugenius IV for Ferrara-Florence is given by A. Gottlob, "Aus den Rechnungsbüchern Eugens IV zur Geschichte des Florentinums", *H. J.*, xiv (1893), pp. 39-66. The mandates of the Camera in *Conc. Florentinum*, vol. III (Rome 1950), pp. 11 ff., 24 f., 31, 34 ff., and elsewhere.

² The legates' estimate of the Pope's expenditure in connection with the Council of Trent, *C.T.*, vol. x, p. 714, l. 9. My essay "Die Kosten des Konzils von Trient unter Paul III", *Münchener Theol. Zeitschrift*, iv (1953), pp. 119-32, starts from this estimate but it also supplements it. Manelli's account-book in Calenzio, *Documenti inediti*, pp. 1-150; extracts from the account-books of the Dataria in *C.T.*, vol. v, pp. lviii ff. The brief of 1 January 1546, on the exemption of the members of the Council from the papal tenth, vol. iv, pp. 545 f.

given to Ludovico Beccadelli, at that time the prospective secretary of the Council. From this fund assistance was given, in the course of the year 1545, to the Bishops of Chioggia, Bertinoro and Accia and other needy prelates and payment was also made for material expenditure necessitated by the opening of the Council, such as vestments, which were procured from Venice, candles for the liturgical services, the preparations in the chancel of the cathedral and in the Council-hall in the Palazzo Girolidi.¹

Soon after the opening of the Council it became apparent that a fund of this kind was inadequate. The creation of a conciliar chest and the appointment of a responsible cashier which the legates had had in mind when they made their demand of 12 April, could no longer be circumvented, particularly in view of the impending appointment of the officials of the Council and the setting up of its technical machinery. When this was done the Roman courier brought 2000 scudi on 31 January 1546, as the foundation of the conciliar chest, and Cervini's *guardarobba* Antonio Manelli was named depository of the Council. However, it took a whole year before Rome realised that the conciliar chest had to be fed not only by occasional remittances but by regular ones. The remittance of 1000 scudi in July, and again in August 1546, was inadequate so that in November of that year the legates found it necessary to borrow 1000 scudi from the nuncio in Venice. The monthly remittance of 500 scudi to the Giunti bank at Venice only got under way a short time before the translation to Bologna.²

By far the greater part of these resources—a full third—served to relieve needy prelates and theologians. Their number varied as time went on in accordance with the effective attendance at the Council. Between the months of December 1546 and March 1547, when the work of the Council was in full swing, they numbered about fifteen. The list is headed by two refugees—the Archbishops of Armagh and Upsala. Their names are followed by those of the Archbishops of

¹ The sum of ready money allotted to the legates in 1545: proposal of 12 April, *C.T.*, VOL. X, p. 81, l. 22; receipt for the sum of 2000 scudi, 4 July, *ibid.*, pp. 134 f.

² Del Monte's statement in the general congregation of 18 December on the need of a conciliar chest, *C.T.*, VOL. I, p. 470, l. 8; VOL. IV, p. 534, l. 9. At this time a certain Franciscan entertained the naïve hope that the chest would be endowed with from 16,000 to 18,000 scudi and that a kind of central office for the purchase of food and of fodder for the animals would be set up, VOL. X, p. 302, l. 10. The arrival of the basic sum of 2000 scudi on 31 January 1546, *ibid.*, 353, l. 24; the 1000 scudi registered by Manelli on 16 August had been collected by him from the bank of Francesco Nasi and Co. (letters of credit for him from the legates, 12 August and certificate of receipt, 20 August, Bibl. Ricci 4, fols. 72^r, 76^r).

Antivari and Naxos, the Bishops of Sebenico, Melos and Chironissa—all of them from Venice's eastern possessions, and by the following prelates of the kingdom of Naples: the Bishops of Minori, Motula, Bitonto, Sora and Salpi, to whom must be added those of Tivoli and Bertinoro. With the exception of Bitonto there is only question of dioceses whose revenues were estimated, in the taxation lists of the Apostolic Camera, at less than 400 ducats a year, or whose revenues were in fact uncertain, so that their occupants would have had to stay away from the Council if left without regular subsidies. This subsidy amounted as a rule to 25 scudi a month and was paid by the depositary, as instructed by the legates. The sum was just sufficient to make it possible for these prelates to appear in accordance with their rank, as this was understood in those days, but for little more. The Archbishop of Matera, Saraceni, gave the figure of 150 scudi for his monthly expenditure; Mignanelli needed about 80 and Cornelio Musso 50 scudi. Requirements varied greatly and the art of housekeeping was unevenly distributed. Thus Galeazzo Florimonte, who had as large a household as Mignanelli, confessed to his friend Maffeo that he managed to keep seven persons and two animals on 30 scudi a month. The monthly subsidy was therefore so calculated that given economic housekeeping a bishop with from three to five familiars, would be able to make ends meet each month.¹ To speak of bribery in this connection would be an absurdity. The subsidy did no more than guarantee to the recipients the minimum required for maintaining themselves in accordance with their condition. Included among them were not only partisans of the legates but also prelates who defended their own opinions emphatically, as for instance Nacchianti and De' Nobili.

The conciliar theologians, most of them members of the mendicant Orders, had to be maintained by their Orders. The only exceptions were the papal theologians, as for instance Ambrosius Catharinus previous to his elevation to the episcopate. The others were regarded as the companions of their generals. As early as the spring of 1546, Seripando levied an extraordinary tax from all the Italian provinces of

¹ Individual payments made on instructions from the legates are in Manelli's account-book and—for the months of September and October 1546—in his statement of 8 November 1546, *C.T.*, VOL. x, pp. 886 f., Madruzzo had declared that 12 or 13 scudi a month would suffice, VOL. I, p. 377, l. 9. More than 25 scudi were paid, for instance, to the Archbishop of Armagh. There was a payment of 100 scudi on 1 December 1546 to cover a period of three months, Calenzio, *Documenti inediti*, p. 29. Information about their actual expenses supplied by Saraceni, Mignanelli and Musso in *C.T.*, VOL. x, pp. 636, l. 31; 654, l. 18; 409, l. 20. Florimonte's lower estimate, *ibid.*, p. 686, l. 24. The bishops' annual income according to Eubel-Van Gulik.

the Augustinian Order to the amount of half the annual sum due to the generalate, on the ground that the convent of San Marco at Trent was too poor to entertain the general together with three theologians and three secretaries. At the general chapter held at Venice in 1548, the general of the Carmelites, Audet, imposed a tax of 800 scudi on the Order, to defray the cost of his participation in the Council. This tax was to be paid for three successive years. The convent of the Observants at Trent, San Bernardino, where the general of the Franciscans Observant and his theologians resided, alone received a small monthly alms ("per elemosina") of 10 to 12 scudi from the conciliar chest—on account of its poverty.¹

As for the salaries of the officials, we must distinguish between the higher officials who were members of the Curia and the technical personnel of the Council. The former received their pay not from the conciliar chest but, like the legates, directly from Rome, probably out of the revenues of the Dataria. The most highly paid post was that of the commissary of the Council; he received nearly as much as the nuncios, namely 100 scudi a month. His assistant, the quartermaster Antonio Pighetti of Bergamo, received 30 scudi. Next to the commissary came the auditor Pighino with 60 scudi; he was followed by the consistorial advocate Grassi with 50 scudi and the promoter Severoli who was paid 40 scudi. On the other hand the *abbreviator* Buoncompagni and the secretary of the Council, Massarelli, had to be satisfied with 10 scudi a month. The former received his salary direct from Rome, the latter from the conciliar chest like the lower officials. The master of ceremonies Pompeo de' Spiriti and the two conciliar notaries Claudius della Casa and Nicholas Driel, received 6 scudi each. The secretary of the legatine college, Trifone Benci, and the deacon Ercole Tombesi, were paid 4 scudi, but the sub-deacon Lattanzio received only 3. The highest salary, of which, however, only two-thirds came out of the

¹ Seripando's outlay according to *Analecta Augustiniana*, ix (1921), pp. 300 f.; that of the Carmelite general Audet in *Acta capitulorum generalium Ord. fr. B.M.V. de Monte Carmelo*, ed. G. Wessels, vol. 1 (Rome 1914), pp. 419 f. It may be that the raising of the annual contribution for the general, ordered at the general chapter of the Dominicans in 1551, was connected with the conciliar expenditure, *Acta cap. gen.*, ed. M. Reichert, vol. iv (Rome 1901), pp. 317 f. Ambrosius Catharinus received 10 scudi a month, Calenzio, *Documenti inediti*, p. 4 (6 October 1545); on 16 February 1546 he received 25 scudi "as the remainder of his provision for 3 months", *ibid.*, p. 7; on 24 March, 4 April, and so on, there follow payments of 10 scudi up to the time of his nomination to the see of Minori. As proctor, Ambrosius Pelargus naturally obtained his provision from the Archbishop of Trier, but when this failed in November 1546, on account of the War of Schmalkalden, the legates came to the rescue with 50 scudi, *ibid.*, p. 27.

conciliar chest, was that of Fracastoro, the Council's physician: it amounted to 60 scudi, one-third of which was paid by the legates. The two *cursores* Tommaso Ruggiero and Jean Roillard received their relatively high remuneration of 15 scudi direct from Rome like the rest of the curial officials.¹

The low salaries of the lesser officials of the Council is accounted for by the fact that nearly every one of them was a member of the court of one of the legates, or of that of some other prelate; thus Massarelli and Manelli belonged to Cervini's "familia", Pompeo de' Spiriti and Claudius della Casa to Del Monte's, while Driel was in the service of Pighino. For them their conciliar salary was only a supplementary source of income.

The cost of keeping Rome informed was not borne by the conciliar chest but partly by the Curia and partly by the legates. The ordinary post was the care of the postmaster of Trent, Lorenzo de' Tassi. More expensive than this post were the express couriers and other messengers who were despatched to Rome in urgent cases. Only in exceptional cases were couriers paid out of the conciliar chest, namely when they were despatched to the imperial court or to Farnese during the latter's legation to Germany. Travelling expenses were also incurred on some other occasions, as when the quartermaster Pighetti was despatched to Farnese (7 August 1546), or to Venice, where he was sent to fetch the bishops residing there so that progress might be made with the debate on justification (24 September 1546). The rest of the Council's material expenditure, which can be studied in the account-books, throws light on the everyday life of the assembly. When the southerners, who were accustomed to a warm climate, began to feel acutely the sharp Alpine winter cold the chimney of the hall of the congregations in the Palazzo Girollo was put in order, wooden foot-rests were provided to keep the prelates' feet off the cold floor and an iron charcoal basin was set up at which they were able to warm their hands. The Conciliar *aula* in the choir of the cathedral was enclosed with boards for greater warmth and the two Portuguese Dominicans, who were perishing with cold in San Lorenzo, were presented with a stove.

¹ Details about the remittance and collection of the legates' honorariums in Venice are found in their correspondence with Nuncio Della Casa, Bibl. Ricci 4; for example, on 5 May 1545 Del Monte sent his steward Ludovico Mengozzi "per riscotere la provision mia del mese di scudi 500 remissi a quelli di Giunti costi in Venetia" (fol. 229^v). The pay of the higher officials, *C.T.*, vol. v, pp. lviii f. It is very interesting to find that the two *cursores*, on account of their being curial officials, were paid by Rome and not out of the conciliar chest, as were the secretary, the notaries and the master of ceremonies of the Council. For the *cantores* see above, p. 451, n. 1.

After *Sessio V* the commissary of the Council, Sanfelice, entertained the guard of honour of thirty men.¹

If we reckon up the sums paid out by the conciliar chest and the direct payments from Rome to the legates and the higher officials, together with the sums spent on reporting, it becomes evident that the Council was a very considerable financial burden not only for the bishops who took part in it, but likewise—in fact above all—for the Curia. It is easy to see that for this reason also the Pope was unwilling to allow the assembly to be drawn out and that its early termination was likewise in his interest. The cost of the Council was one of the Pope's anxieties with regard to that assembly but not by any means the heaviest.

¹ The cost of the entertainment of the guard of honour at *Sessio V* amounted to not quite 10 scudi, Calenzio, *Documenti inediti*, p. 16. Work on the chimney in the hall of the congregations by Messer Giovanni Muratore cost 3½ scudi, *ibid.*, p. 26; on 10 December the carpenter Giovanni received 5½ scudi for the installation of benches and foot-stools, *ibid.*, p. 31. The *stufa* for the Portuguese Dominicans which was put up on the proposal of the conciliar commissary, cost 2 scudi and 44 baiocchi, *ibid.*, p. 30; on 5 November the legates had 13 scudi paid to the Bishop of Melos "per comprarsi una pelliccia ed altre veste per l'inverno", *ibid.*, p. 26.

The Balance of Power within the Council and the Leadership

SOUND history depends on attention to detail. A thorough study of the dogmatic and canonistic particularities of the debates was indispensable if we would ascertain the process by which conciliar decrees that made so mighty an impact upon the life of the Church came to be formulated. It was necessary to follow up, move by move, the diplomatic negotiations between Rome and Trent and between Rome and the imperial court, in order to get as close as possible to the political events amid which the Council pursued its course. Now that we have reached a break, not the end, in our journey, wearisome as it was at times, we look back and call to mind those open questions which we encountered at the start. Only a fraction of them has been answered by the march of events; many more, in fact the weightiest of them all, remain still unsolved, for so far only a fragment of the history of the Council of Trent has passed before our eyes. We must now endeavour to ascertain the forces that determined the course of the Council.

In the very first general congregation an agreement, though without a formal decision, was reached on the question of which members of the Council had the right to vote and it was decided that all bishops, both ruling and titular, the generals of the mendicant Orders and the representatives of the monastic Congregations had this right. The exclusion of the bishops' proctors and the representatives of every kind of corporation such as chapters and universities marked the essential difference in the composition of the Council of Trent from that of the reform Councils of the fifteenth century. The all-important question was, from start to finish, whether the bishops would obey the Pope's summons and by their attendance at the Council give to that assembly an unquestionable character of oecumenicity.

On the opening day the Council's effective strength consisted of no more than twenty-nine bishops and cardinals. The list of those present,

which Massarelli appends to the acts,¹ names 5 cardinals, 12 archbishops and 74 bishops, altogether a total of 91 bishops and cardinals. This figure, however, was never attained at any one Session. By reason of departures and fresh arrivals, the actual strength of the assembly varied all the time; thus in *Sessio V* and *Sessio VI* it amounted to 59 prelates and in *Sessio VII* to 64. To the bishops must be added the six generals of the mendicant Orders (namely the Dominicans, the Franciscans Observant and Conventual, the Hermits of St Augustine, the Carmelites and the Servites), the three abbots of the Cassinese Congregation who had one vote between them, and the proctors of the Archbishop of Trier and the Bishop of Augsburg, who had only a consultative voice. In this way, the total figure of persons at any one time entitled to a vote amounted to one hundred.

This number included prelates from nearly every European country that had preserved the Catholic faith: Switzerland, Poland and Hungary alone were unrepresented. But the most painful gap was caused by the very country which had provided the motive for the convocation—Germany, from which not a single ruling bishop had come to Trent. The auxiliary of Mainz, Michael Helding, left the city of the Council as early as 8 January 1546. Although Ambrosius Pelargus and Claude Lejay, the proctors of Trier and Augsburg respectively, were the only representatives of the German hierarchy, the legates declined to give effect to a privilege granted by the Pope, empowering them to admit the German proctors to full participation, that is, to a decisive vote.

“Participants” also, by reason of their collaboration, were the conciliar theologians. Though without either decisive or consultative voice, they intervened not only in the theologians’ congregations, the first of which was held on 20 February 1546, but apart from these gatherings they also took a share in the preparation of the dogmatic decrees. The above-mentioned general list contains 104 names,² but

¹ Full list of the members of the Council during the first period, *C.T.*, VOL. V, pp. 1037-41. The attendance by prelates of different nations is described in detail by Rogger, *Le nazioni al Concilio di Trento* (Rome 1952), pp. 51-116. Of special interest is P. Leturia’s paper “Perchè la Chiesa ispano-americana non fu rappresentata a Trento”, *Il Concilio di Trento*, I (1942-3), pp. 35-43. The reason was that the Spanish Crown impeded attendance by prelates of the Spanish colonies in order to forestall any kind of interference. I am conscious that my paper on the German participants at the Council in *T.Q.*, CXXII (1941), pp. 238-61; CXXIII (1942), pp. 21-39, needs to be completed by further research in the archives with regard to the attendance of German bishops at Trent. G. Alberigo, “Cataloghi dei partecipanti al Concilio di Trento editi durante il medesimo”, *Rivista di storia della Chiesa in Italia*, x (1956), pp. 345-73, examines the printed lists of members during the first period.

² The complete list of conciliar theologians, arranged according to the Orders to which they belonged, *C.T.*, VOL. V, pp. 1041-4; several lists handed in by the respective

what was said of the list of prelates applies also to that of the theologians—not all of them were present at Trent at one and the same time, Massarelli gives the number of theologians present during the debate on the sacraments as over fifty. However, not every one of those named in the list spoke in the congregations of the theologians, though this does not preclude their co-operation in the elaboration of the results of these gatherings. Thus a round hundred bishops and as many theologians participated in this first period of the Council of Trent. By themselves the figures are of little significance, but the acts furnish proof that these ecclesiastical leaders and their learned advisers from almost every country of Europe were in earnest in their search for a solution of the problems in the sphere of dogma and Church reform for which they had been convened. In both groups Italy undoubtedly furnished an overwhelming majority.

At the Council of Constance—in order to break the Italian majority—the members were grouped in five “nations” and voted as “nations”.¹ No serious attempt was made to introduce a similar system at Trent; canonists had long ago dropped the notion, and not only men like Jacobazzi, but even such adherents of conciliar theory as Ugoni and Gozzadini. In the era of the national States, the conciliar nations of Constance did not provide a workable principle of classification for the universal Church. But would not the abandonment of such a classification provide the legates with a permanent majority with the help of the numerical superiority of the Italians?

The existence of such a possibility cannot be denied; but the legates only had recourse to it at the time of the decision to translate the Council to Bologna. With this sole exception and after objection had been made to the exclusively Italian composition of the first conciliar commission, they took the utmost care to show equal consideration to all the nations represented at Trent in the appointment of the various committees that were set up in course of time, in the selection of their

generals are taken into account. Fluctuation was even more marked than among the prelates. According to VOL. V, pp. 12 f., twenty-seven theologians took part in the first congregation on 20 February 1546; in January 1547 Massarelli gives their number as over fifty, *ibid.*, p. 847, l. 35. For specialised studies of the participation of the Orders see above, p. 60, n. 1.

¹ The problem of “nations”, that is, not only that of voting according to nations, which was not introduced at Trent, but above all the formation of national groups, is thoroughly discussed by I. Rogger, *Le nazioni al Concilio di Trento*, pp. 117 ff., 139-74. The only proposal in favour of a grouping into nations that I know of was Pacheco's suggestion that the letters of the Council to princes should be signed “per natione, come si suol fare”, *C.T.*, VOL. I, p. 397, l. 1.

collaborators in the formulation of conciliar decrees, and above all in the choice of the celebrants at the liturgical functions and in the appointment of preachers. On no account must anyone's feelings be ruffled. In point of fact, however, the legates could not by any means dispose of the Italian votes as they pleased. These votes did not constitute a solid block as many opponents of the Council imagined, and still imagine them to have been.

In the debate on Scripture and Tradition, the Bishop of Chioggia, Nacchianti, maintained views which were as close to Luther's as were some of the interpretations of Sanfelice of La Cava and Giulio Contarini of Belluno in the debate on justification. Martelli of Fiesole and Vigerio della Rovere of Sinigaglia insisted on the restoration of episcopal authority with no less, or even greater vigour, than the Spaniards. In the debate on residence and during the discussion of the translation, Florimonte of Aquino sided with the Spanish party. Not content with the role of a mediator between Pope and Emperor in the political arena, Bertano of Fano also sought to be one in that of theology by reconciling Seripando's teaching of a twofold justice—an opinion only held by a minority—with the convictions of the majority. So close a collaborator of the legates as Musso of Bitonto, as well as Seripando and Bonuccio, maintained the opinion that the duty of episcopal residence was based on the *ius divinum*. Examples could easily be multiplied. Actually, it was the high officials of the Curia despatched to Trent in November 1546 for the purpose of reinforcing the legates' party who created not a few difficulties for them by their injudicious escapades. The truth is that the Italian majority was not a battalion only waiting for the legates' word of command and ready to execute it unquestioningly! Rich as it was in strongly marked personalities, it would not be commanded, though it was willing to be led—in that case it did not refuse to follow.

The legates were the Council's helmsmen, and the Pope had armed them with far-reaching powers. However, their ability as leaders had to show itself in the art of prudent leadership and this it did successfully, if not without a conflict, at least without a breach. The fundamental question as to whether or no they were the Council's only spokesmen to the outer world they circumvented by keeping back the letters to Christian princes which had been drawn up by the Council and which, it had been suggested, should also bear the signature of members of the Council. They succeeded in securing the assembly's approval of their programme for the proceedings, while they jealously guarded their exclusive right of making proposals, that is, the right of determining the

order of the day for the congregations. On the other hand, as Del Monte declared on 18 May 1546, there was no intention of preventing the bishops from laying their own proposals before the legates. At the general congregation it was the legates who gave members leave to speak, and very rare were the occasions when they stopped a speaker who happened to digress from the subject under discussion. They observed a similar restraint in calling any speaker to order. They were well aware that any unjustified curtailment of the freedom of speech and vote would jeopardise the recognition of the Council.¹

It was after mature reflection that they declined to act on a suggestion by the Bishop of Bertinoro that they should control the freedom of speech by laying down certain rules (*ut patribus in sententiis dicendis modum et formam praescriberent*). Even the theologians, whose discursiveness frequently wearied the assembly, were never cut short. Restraint in this respect was necessary, because the Spaniards jealously watched over their right to speak their minds freely. Complaints that this right had been tampered with were not wanting. This was to be expected, but it is well, in each case, to have a good look at the man who made the complaint. So intractable a personage as Bishop Martelli of Fiesole would hardly be treated by the president of a modern congress with the patience with which he was borne by Cervini, and even by Del Monte. The preservation of the freedom of speech was of course in conformity with the expressed wish of the Pope. When on 24 February 1547 the Bishop of Calahorra complained of an infringement of this freedom, the Archbishop of Armagh was in a position to quote a remark made shortly before in his presence by Paul III. It was to the effect

¹ For the discussion on freedom of speech and vote at the general congregations of 10 May 1546 and 24 February 1547, see above, CH. III, p. 109, *n.* 2, and CH. IX, p. 362, *n.* 1. The legates admitted that during the first months the bishops felt much less hampered, *C.T.*, VOL. X, p. 447, l. 24. The Bishop of Bertinoro's proposal that rules should be laid down for the recording of the votes, VOL. V, p. 19, l. 26. Complaints of a restriction of freedom of speech were frequently heard, for instance from the Bishop of Chioggia, VOL. X, p. 894, l. 33, see H. Jedin, "Rede- und Stimmfreiheit auf dem Konzil von Trient", *H. J.*, LXXV (1956), pp. 73-93. Pallavicino (*Istoria*, BK. VII, ch. 12, ed. Zaccaria, VOL. II, p. 193) has very properly pointed out, as against Sarpi, that freedom cannot mean doing without the Pope. On the other hand he gives a one-sided definition of this freedom for he conceives it simply as freedom from external coercion: "By what means", he asks, "could the Pope compel a decision by the Fathers, in a foreign country, and without papal armed men?" The fact that the legates felt as if they were living "in a decent prison" rather suggested the opposite. Nor can I agree with him when he says that there was an excess rather than a lack of freedom, though I am at one with him in admitting that Paul III was more careful than all the later Popes of the conciliar period to avoid anything that could have been considered, with good reason, as a restriction of freedom.

that everyone at the Council was at liberty to state his opinion in matters of faith and morals, even if what he advocated were heresy, so long as he submitted to the Council. The Pope acted on this principle when Del Monte, unable to put up any longer with the crossfire of the Bishop of Fiesole, suggested that Rome should proceed against him. The proposal was rejected, with the remark: "No one must think that we want to rob the bishops of the freedom of speech."

An unmistakable proof of freedom is the existence of an opposition. It was quite obviously present in the assembly at Trent. On the other hand the Lutheran faction which Madruzzo claimed to have unmasked and of which Grechetto sent fanciful accounts to Rome, had no existence outside the imagination of these two men, but that great and profound differences of opinion were revealed in the theological discussions is abundantly demonstrated by almost every page of our narrative. They were not crushed. Some of the dissidents withdrew spontaneously from the Council, but not one of them was summoned before the Inquisition. Opposition became particularly vocal in January 1546, when the legates refused to embody in the decrees the title at one time assumed by the Council of Constance (*universalem ecclesiam repraesentans*) and insisted on dogma taking precedence of reform. Another such occasion occurred in the month of May, when in the course of the debate on preaching, the legates defended the privileges of the mendicants, and again when they opposed the inclusion of the duty of episcopal residence in the decree on preaching. The opposition was made up by members of various nations; it originated in an attempt to strengthen the authority of the bishops, an attempt based, in part, on episcopalistic notions.

There could be no question of an opposition party previous to July 1547, when the legates began to work for a translation. Only then did the adherents of the Emperor join forces for the purpose of united resistance and formed that "imperial party" which gave the legates so much trouble for several months. Their aim was to prevent the translation, or the suspension of the Council. On this point they were of one mind, but disagreed among themselves on whether they should prevent the publication of the decree on justification in any circumstances, or at least delay it. It was eventually accepted with the help of the Spanish votes. Only the projected translation to Bologna caused the "imperial party" to close its ranks once more. It numbered thirteen members at that time, a bare fourth of those entitled to a vote.¹

¹ Opposition and formation of groups: the meetings of the Spaniards were branded as conventicles by the curialists at the beginning of the Council, *C.T.*, VOL. I, p. 349,

The only strictly national group was that of the three French Bishops of Aix, Clermont and Agde. They never took a single step of any political consequence without first ascertaining the will of their sovereign.

Only on two occasions did the legates have a feeling that they were not masters of the situation. The first time was at "the difficult start", when not yet sure of themselves and still feeling their way, they came up against a much stronger sense of their own importance on the part of the bishops than they were prepared for. The second time was in the autumn of 1546 when, as a result of the panic created by the war, the number of their adherents had dwindled while the imperial party continued to present a strong, united front. It was at this time too that they admitted that the leading personalities of the opposition—they were surely thinking of Pacheco and the Bishops of Astorga, Calahorra and Badajoz—were far superior to their own followers, both in learning and in experience of ecclesiastical affairs.

Their tactics, also, were not invariably happily inspired. The agreement of the two imperial cardinals to the suppression of the decree on the *iunctim* of dogma and reform in *Sessio* III (that is, their joint discussion) was secured by means of a ruse, but the trick cost them a loss

l. 8; Madruzzo too was forced to defend himself against this accusation, *ibid.*, pp. 386, l. 23; 388, l. 42. But why should not people from the same country and with similar convictions discuss current events among themselves? Instead of Spanish conventicles there is much more reason to speak of an episcopalistic opposition—not a party—in these first weeks; in my opinion there was no "imperial party" except on the question of the translation or suspension. It was evident that the imperial envoys observed great restraint towards the Spanish prelates—were it only by reason of the latter's strongly marked sense of their own position and their independence of character. In the Empire, on the other hand, the Emperor was believed to exercise a much wider influence, as appears from the "Schön new gemacht lied", which was composed and widely circulated at the beginning of the war of Schmalkalden, for the purpose of justifying the Emperor's enterprise:

"Ich hoff er sei nit des gesinnt
zu helfen den mispreuchen,
so er allain gehorsam findt,
gar schon wirt ers vergleichen,
damit nit alls in misprauch kum
berufen ain concilium
dasselbig auszustreichen."

Which may be roughly rendered thus: "I hope he is not minded to favour abuses; he alone can get himself obeyed; he will promptly see to it that abuses do not prevail and he has called a Council to abolish them." The text (ed. by O. Waldeck, *A.R.G.*, vii (1910), p. 15), speaks of the convocation of a Council when it was already assembled; but the author may be thinking of future participation on the part of the Empire.—The legates' opinion of the Spaniards, *C.T.*, vol. x, p. 710, l. 33.

of capital, in the shape of confidence, which it was almost impossible to recover. A similar result was brought about by Del Monte's crafty procedure in the general congregations of 28 and 30 July, in consequence of which the date fixed for the Session was allowed to lapse without a new one being announced. It was unwise to insist on the "small solution" of the problem of residence after it had become evident that it could not be carried through, but it was even more imprudent to open the debate only a bare fortnight before *Sessio* VI so that there was not enough time for a discussion of the problem in all its depth and extent—the fiasco of the vote was the result.

There can be no doubt that the legates' legitimate efforts to safeguard the Council's autonomy against external, non-ecclesiastical influences led them to underestimate the assembly's ecclesiastical and political aim. Responsibility for this rests mainly on Cervini. He disapproved from the beginning of the Pope's alliance with the Emperor as endangering the Church. In his opinion Germany was lost for the Church. Like a strategist who, having accepted defeat, proceeds to make entirely new plans, Cervini set the Council the task of strengthening those nations that remained faithful and of saving them for the Church by defining doctrines and by initiating a reform of the Church. In any case, the chief and really decisive role in the reform of the Church had to be played by the Pope. On the other hand, it cannot be denied that Cervini was tremendously in earnest with regard to reform. His appeal to the Pope's conscience in his letter of 23 October 1546 to Maffeo, expresses his deepest conviction—it met with no response.

In the exercise of their authority as leaders of the Council, the legates acted on the principle that Pope and Council constituted one body and jointly exercised the supreme teaching and pastoral office, though in such wise that the Pope enjoyed authority over the Council which he could either suspend or translate, while that assembly did not dispose of any jurisdiction *without* the Pope or his delegates, and even much less *against* either. This accounts for their opposition to the formula of Constance that the Council represents the universal Church, and for their insistence that the Pope must not leave the translation or suspension to the Council, but should order it himself. They saw themselves as the executive organs of the Pope's will; as organs, that is, not as mere recipients of orders. The decisive factor was that they enjoyed the Pope's complete confidence. This trust Paul III did not withdraw at any time (as at a later date Pius IV withdrew his confidence from his legates, Mantua and Seripando), not even after

Cervini had fallen into grievous disfavour with the Emperor and when he might easily have been regarded as an "encumbrance" to their mutual relations. In this relationship of mutual confidence the political shrewdness and breadth of outlook of the Farnese Pope were answered by the unquestioning loyalty and reliability of the legates.

For all that, relations between Rome and Trent were by no means uniformly harmonious. To begin with, the Pope had to get used to his legates' occasionally advocating measures suggested to them by their accurate knowledge of the situation, but which did not commend themselves to Rome. Thus it came about that in the last days of January 1546 they were blamed for yielding to pressure by the episcopal opposition, thereby failing to secure precedence for dogma over reform and accepting the *iunctim* (that is, the simultaneous discussion of dogma and reform), and for not mentioning (for well-considered reasons) the names of the opponents in their reports. The plan for a translation which they submitted on the outbreak of the war of Schmalkalden and the one for a suspension which they forwarded at the end of October, did not meet with the Pope's approval on account of the Pontiff's anxiety to avoid a premature rupture with the Emperor. On the other hand, their suggestions for the drawing up of the programme were usually listened to, for the Pope had come to see that as the men on the spot, the legates were the best judges of what should be done. After the successful termination of the decree on justification and its acceptance by means of the votes also of the Spanish bishops, their prestige, especially that of Cervini, rose to such a pitch that they felt they could risk a translation on their own authority.

The third force, namely the influence of the secular powers, was surprisingly feeble at the Council. Their representatives or *oratores* did not bear an exclusively diplomatic character—even in the eyes of Cervini—but were considered as the representation of a part of Christendom.¹ While the struggle for the Council was still in progress, scarcely

¹ Cervini's view on the significance of conciliar embassies, *C.T.*, VOL. I, p. 376, l. 11. According to Bertano one objection against the discussion of the problem of residence was that only a very few envoys were present who might have represented the standpoint of the secular authorities, *ibid.*, p. 65, l. 33.—Literature about Mendoza, *see above*, CH. VII, p. 282, *n.* 1; on Francisco de Toledo, Buschbell's paper in *H. J.*, LII (1932), pp. 356-88. The legates' discussion of the question of precedence between the envoys of Ferdinand I and the French, *C.T.*, VOL. X, pp. 546 f.; also Quintana's memorial, VOL. XII, pp. 453 ff. For Castelalto cf. G. Suster, "Francesco di Castelalto", *Archivio Trentino*, XX (1905), pp. 1-16. The names of the three Portuguese Dominicans have been given, as a rule in their Latin form; according to *Corpo dipl. Portuguez*, VOL. VI, p. 227, they were called Jorge de Santiago, Jeronymo d'Azambuja and Gaspar dos Reis; cf. also J. de Castro, *Portugal no Concilio de Trento*, VOL. II, pp. 82 ff., 96 ff.—The

a year went by without legates or nuncios journeying to the court of the Emperor and that of the French king, to work for an agreement about the convocation of the Council, the choice of a locality and the date of its assembly. Now that it had been inaugurated, the imperial ambassador Mendoza, who retained his post in Venice, had been absent for months before the arrival at Trent, on 15 March 1546, of his colleague and substitute, Francisco de Toledo. In the month of May, when there was question, in accordance with imperial policy, of preventing the publication of the first important decision in the sphere of dogma, namely the decree on original sin, both Toledo and his colleague, who by this time had returned to Trent (on 25 May), were left for weeks without precise instructions from the imperial court. When these came at last, on the eve of *Sessio* V, it was too late. Moreover, there was good reason to believe that Toledo had leanings towards the Pope's side; on at least one occasion he actually volunteered to persuade the bishops of the imperial territories to the legates' point of view. Even the far more rigid Mendoza was aware that there was no such thing as an imperial right of veto of conciliar decisions and that recourse to brute force was inadvisable. This is why, on 16 November, he concluded an agreement with Farnese which satisfied neither party. After his recall the imperial embassy was left vacant because commissions for Florence and Rome caused Toledo also to leave the city of the Council where decisive events, namely the completion of the decree on justification and the translation, materialised without the presence of an accredited representative of the Emperor.

The two envoys of Ferdinand I, Francesco Castelalto and Antonio Queta, wielded no political influence. On 2 July 1546, the legates reported to Rome that up to that time they had taken no part in either Session or general congregation. We do not know of a single instance when they approached the legates. Their absenteeism relieved the latter of a grave anxiety, namely, the threat of a dispute over precedence with the French conciliar envoys. However, the latter also, though residing at Trent since 26 June, did not take part in the ensuing Sessions VI and VIII. Their passive attitude was due to considerations of high politics. It was Francis I's pretension that the Council of Trent was no genuine oecumenical Council because it ran counter to his conciliaristic notions. However, the true motive for his aloofness was his

arrival of the Florentine agent Pietro Camaiani, *C.T.*, VOL. X, p. 380, l. 13; cf. also VOL. I, p. 481, l. 10; further information, Jedin, *La politica conciliare di Cosimo I*, pp. 346 f.; *id.*, *Seripando*, VOL. II, pp. 304, 596 ff.

anxiety to avoid sharing responsibility for its decisions, so as to make sure of a free hand for ecclesiastico-political negotiations with England and Schmalkalden. His envoys were "observers rather than *oratores*" (Rogger).

The *oratores* were entitled to assist at the Sessions and at the general congregations, in order that they might acquaint themselves with the course of the negotiations by means of personal observation; however, except at their introduction, none of them ever spoke at any of these gatherings. The three Portuguese Dominicans who presented themselves before the Council on 18 December 1545, were not treated as envoys but solely as theologians of their king. They brought a letter from their sovereign, but were not accredited as envoys. The *oratores* whose arrival was announced in the king's letter never put in an appearance. The Florentine agent, Pietro Camaiani of Arezzo, who arrived in the first days of February 1546, had no official connection with the Council. His task was exclusively that of an observer and reporter. What is surprising is that the Republic of Venice was not officially represented at Trent. However, there was no need for the Signoria to keep an agent in the city to supply information, for this could be readily obtained from the prelates and the messengers who frequently journeyed back and forth from Trent to Venice.

It follows that the Emperor alone exercised any active influence on the Council. Apart from the carefully worded warning against a definition of the Immaculate Conception, it must be granted that the Emperor refrained from direct intervention in the dogmatic discussions. He shrank from a definite veto of their continuation. Indirect action, through the bishops of his territories, proved impracticable precisely because the leading figures among them gave their approval to the promulgation of the decrees. His main objectives, namely the discussion of reform and the retention of Trent as the location of the Council, he failed to secure. The twin forces at work against him—the legates and the majority that followed their lead—proved stronger than he.

The order of procedure which enabled the Council to accomplish its task only took shape gradually as the discussions progressed. The theatre of these activities, during the whole of the period, were the plenary assemblies of the Fathers of the Council entitled to a vote, that is, the general congregations. The experiment of preparing the subjects of the discussions in three particular congregations, or classes, each of them presided over by one of the legates, which was begun on 2 February 1546, was abandoned in May of the same year on the ground that,

far from speeding the progress of the debate, it actually slowed it down. The commissions formed on the proposal of the legates for the purpose of formulating the decrees did not invariably come up to expectations. The one formed on 26 February 1546 for the decree on Scripture and Tradition, failed to agree on a workable scheme. The first draft of the decree on justification—the work of a commission—had to be dropped. The decrees on original sin and on the sacraments were formulated without the concurrence of a commission. The best work was that of the commission formed on 5 March 1546 for the purpose of drawing up a list of abuses in the use of the Sacred Scriptures. Besides eight bishops it included three theologians. Conferences of theologians and canonists chosen from the body of those entitled to a vote, convoked on 13 December 1546 and 11 January 1547, took the place of commissions. They played an important part in the settlement of the as yet unresolved controversies around the decree on justification and in the conciliation of divergent views on the question of residence. These theological congregations, whose sole object was to supply information to the bishops, were usually held at the beginning of a debate, though on a few occasions, as for instance in the case of the two *dubia* concerning justification, they were consulted even in the course of the general discussion.

The result of the wearisome discussions of a whole year were four dogmatic and four reform decrees. The decree of *Sessio* IV on Scripture and Tradition defines the canon of the Bible and—in opposition to the Lutheran principle of “nothing but the Bible”—the Catholic principle of Tradition. The two decrees on original sin and justification promulgated in *Sessio* V and *Sessio* VI respectively, closely connected as they were by reason of their content, decided the central controversy between Catholics and Protestants, that is, the question of justification, of which Luther had written that it was “an article on which he could not yield though heaven and earth should collapse”. The decree on the sacraments in general and on Baptism and Confirmation in particular, promulgated in *Sessio* VII, defines the Catholic conception of a sacrament as well as the septenary number of these institutions. However, the procedure which had been adopted in the previous debates did not remain unchanged, in fact one important question of procedure was settled, not by the Council but by the Pope. It was to the effect that the persons of the reformers were not to be included in the condemnation of their doctrines. All other questions were settled by the Council, though not all of them at one time or with one voice. The

Protestant teaching on the principle of Scripture alone, original sin and justification, was condemned without taking as the basis of the debate textual extracts from the "confessions" and other writings of the reformers. A return to the traditional method was only made in the discussion of the sacraments, but graded censures were eschewed. The decree on justification was the only dogmatic decision in which the defining canons were supplemented by a "doctrine", that is, sixteen doctrinal chapters. These chapters were conceived as the basis of the proclamation of the faith and were intended to facilitate and to speed the penetration of these fundamental conciliar definitions into the life of the Church.

Each of these four dogmatic decrees was of fundamental importance. On the other hand, it was a great delusion for the papal party to imagine that the Council's task was thereby substantially completed, for there still remained the discussion of five sacraments and the sacrifice of the Mass; a most urgently needed clarification of the concept of the Church, its intrinsic nature and hierarchical structure, culminating in the Papacy; the doctrine of Purgatory and the veneration of the Saints, which had been the object of fierce attacks since the beginning of the schism. The list of controverted doctrines which had not yet been dealt with, and which the Bishop of Badajoz used as a weapon against the plan for a translation in his vote of 10 March 1547, showed the real state of affairs—great and arduous tasks still remained to be carried out by the Church's teaching authority.

While none of the four dogmatic decrees met with any objection worth mentioning at the time of their acceptance at Trent and afterwards in Rome, the four reform decrees were the object of violent wrangling both before and after their promulgation. The reason is obvious. In this sphere the legates found themselves between two fires, namely, on the one hand the conservative conception of reform which prevailed at the Curia and among the Italian bishops, which could be described as a return to the old legislation, and on the other the radical demand of the Spaniards, the French and one group of Italians that a new spirit should be breathed into the pastoral ministry both on the diocesan and on the parochial level, if need be by means of laws with retroactive force, regardless of the century-old practice of the Curia and its interests. It had not been easy for the legates to secure Rome's toleration of the simultaneous discussion of dogma and reform which had been agreed upon by the Council, or to obtain for themselves a modest measure of freedom of movement by means of a papal declara-

tion that in principle, and within limits, the reform of the Curia might be included in the conciliar discussions.

In the first two reform decrees these tensions were not in evidence, but the Vulgate decree of *Sessio* IV encountered strong opposition in Rome, not because it was too advanced but because it was too conservative and had not taken the original Biblical languages sufficiently into account, although, as we have seen, nothing else could be done. It is questionable whether Paul III would have confirmed it as unhesitatingly as Pius IV did at the conclusion of the Council. The decisions of *Sessio* V on the training of the clergy, which in the main restored ancient legislation, did not altogether meet the requirements of the age. The same was true of the ordering of the ministry of preaching round which there had been so prolonged a contest. The full extent of the divergence between opposite tendencies only became apparent when the sensitive part of the problem of reform came to be touched, namely the enforcement of the duty of residence on bishops and parish priests. Here the reform was up against the late medieval conception of prebends and the prevailing practice in the bestowal of offices and the conferring of Holy Orders. A "small solution", which only dealt with symptoms, was useless, but "the great solution" opened up the problem of curial reform in its full extent. The solution provided by the decree on residence of *Sessio* VI was unsatisfactory; in fact it was the only one of the whole of the first period whose acceptance by the Council seemed for a time in doubt. Even with the supplementary clauses of the reform decree of *Sessio* VII, it remained a compromise which did not give complete satisfaction to either party. It is no accident that in its last period the Council took up once more the solutions arrived at in the first. Both decrees were a first instalment of the longed-for reform of the Church—no more, but also no less. The great process of internal renewal needed time.

All these discussions and activities were interrupted by the translation to Bologna. The authors of that move cherished the hope that in that city—the second in the Papal States—they would be in a position to bring the Council to an early conclusion, and with but little opposition. Their opponents viewed it as the end: "And this was the end of the Council of Trent", Prée wrote in his *Epilogue*. Both sides were to be proved wrong.

Introduction to the Sources and to the Earlier Literature

THE story of the first period of the Council of Trent is mainly based on three groups of sources: the protocols of the discussions published in VOLS. IV and V of *Concilium Tridentinum* of the Görres-Gesellschaft, the official and private correspondence in VOL. X with the appendices in VOL. XI of the same work, and the diaries of Severoli, Massarelli, Prée and Seripando, in VOLS. I and II. The treatises collected in VOL. XII constitute a valuable supplement to the protocols. In each of these three groups we meet with the name of Angelo Massarelli, the conciliar secretary. He is by far the most important authority for the history of the Council.

Angelo Massarelli was a native of San Severino, in the province of Ancona, whose inhabitants on one occasion drew strong complaints for unruliness from the papal *governatore* when, arms in hand, they set a prisoner at liberty (report of the Bishop of Xanthos to the Pope, 4 June 1536, Vat. Arch. AA I-XVIII 6537, fol. 117). His uncle Benedetto, provost of the local collegiate church, saw to it that his nephew, born in 1510, should study law at the University of Siena. There, after seven years' study and the tenure of the office of rector, he obtained a doctorate in both Civil and Canon Law. With the support of his uncle's successor, Hieronymus Buccauratus, a Canon of St Peter's in Rome, Massarelli tried his fortune at the Roman Curia. On 1 April 1538 he became secretary to Cardinal Aleander whom he accompanied to Vicenza for the prospective Council and to Germany when Aleander was appointed legate. After the death of his employer, 31 January 1542, he entered, again on 1 April, the service of Cardinal Cervini who set him to copy Latin authors, not least on account of his beautiful handwriting. In this his colleague was Sirleto who was copying Greek manuscripts. When Cervini was preparing to set out for Trent, he sent his secretary ahead. The reason was that on his journey to Germany with Aleander, Massarelli had come to know the then dean of the

cathedral who had welcomed the legate at Pergine by order of Prince-Bishop Cles. The dean of those days was none other than the Prince-Bishop Cristoforo Madruzzo. The latter felt flattered by the fact that even after seven years Massarelli still remembered that first meeting and he accordingly began at once to show favour and to put particular trust in the modest and companionable private secretary of the legate.

As we have seen in Chapter II, Massarelli had not been originally considered for the post of conciliar secretary—an office obviously created on the model of the papal secretaries at the fifth Lateran Council—for he had not made a name for himself as a humanist—but the names of other literary celebrities had been put forward: first Ludovico Beccadelli, at one time secretary to the unforgettable Contarini, and then the poet Marcantonio Flaminio, or Aluise Priuli, a scion of a great Venetian family, both of them familiars of Cardinal Pole. However, Beccadelli had left Trent even before the opening of the Council while the other two declined the office. Thus circumstances brought it about that the secretary of the most active of the three legates gradually took over the duties of a conciliar secretary. Massarelli took his share in the execution of fair copies of the legates' reports to Rome, carried out oral commissions for them and drew up the protocol in Cervini's "class". When on 4 January 1546, on the legates' proposal, the remaining conciliar offices were filled, no decision was come to with regard to the post of a conciliar secretary—at least according to Severoli's account (*de secretario nihil actum est*, *C.T.*, VOL. I, pp. 14, l. 46); however, Massarelli's own statement which has passed into the acts (*C.T.*, VOL. I, p. 471, l. 30), that he had already been appointed at that date, is not altogether wrong inasmuch as there was an understanding that he would be allowed, for the time being, to carry out the duties he had hitherto fulfilled. These duties did not as yet include the drawing up of a protocol of the negotiations. It came most opportunely for him that the contemplated conciliar letters which it had been intended to send to Christian princes, and which the Bishop of San Marco, a celebrated humanist, had been commissioned to draw up, were never despatched owing to certain objections of a formal kind. This eliminated the competition which threatened from that quarter. What brought matters to a head was that at the end of three months the legates realised that the course hitherto followed—namely the omission of any kind of official record of the general congregations—could not go on. On Madruzzo's proposal (*C.T.*, VOL. I, p. 41, l. 7), on 1 April 1546 Massarelli was commissioned to draw up a protocol and formally appointed

secretary to the Council. At the same time he was charged, in the capacity of *scrutator votorum*, to collect the votes in the Sessions and as a protonotary, to put the acts of the Sessions into a form valid in law. It was he who distributed all proposals and drafts of the decrees to the theologians and to the Fathers of the Council. In this way the office of the secretary to the Council acquired, through its very functioning, a new content, not originally foreseen but of extraordinary importance. Massarelli became the head of the conciliar bureau on which the working of the conciliar machinery depended. At the general congregation of 1 April 1546 he officiated for the first time as clerk of the protocol. For the third time this date marked the beginning of a new period in his life.

Of the notes, for the most part very summary ones and difficult to read, which Massarelli jotted down in the course of the general congregations (we call them "original protocols") only the first volume, from 1 April to 12 October 1546, has been preserved in the *Codex Concilio* 62 of the Vatican Archives. The second volume, from 15 October up to the translation, did not get into the Vatican Archives and was vainly searched for by Merkle and Ehses. It has not been found to this day, though in the meantime we have learnt from an article by C. Frati, "Un prezioso codice degli Atti del Concilio di Trento ora smarrito", *Bibliofilia*, xxv (1923-4), pp. 272-5, that in the year 1817 it was owned by the Carmelite Evasio Leone, on the Isle of Corfu, who had obtained it with other writings of Massarelli from some of the descendants of his family then living at Fermo. The volume was bound in morocco and consisted of 1800 pages, for in addition to the original protocols it also contained the originals of a number of votes. In 1817 its owner offered in vain to sell it to Pezzana, the librarian of the Palatina at Parma. Since then nothing is known of the precious manuscript.

Anyone who has at any time acted as secretary to a meeting knows from personal experience that, unless he takes down everything that is said, like a parliamentary shorthand reporter, he can only hope to retain fragments of all that was said, and this because it seems essential to him. He is likewise conscious that his notes—shortened sentences, often enough mere catchwords—remain intelligible even for him only as long as his recollection is fresh, but that they become unintelligible as soon as memory begins to grow dim. Hence as a rule every effort is made to work out these notes as soon as possible, to fill in gaps and to complete what has only been hinted at while remembrance is still fresh. How do Massarelli's protocols stand with regard to this?

Only on rare occasions were fair copies of protocols of the congregations made immediately by the conciliar secretary, namely whenever the legates wished to forward them to Rome, as, for instance, the protocol of the congregations held on 18 and 28 May 1546 (*C.T.*, VOL. I, pp. 549, l. 6; 551, l. 18). We know, however, that Massarelli was in the habit of completing his notes immediately after the congregations. To this end he used to ask those speakers who had spoken from a script to give him their copy in order either to put it with the acts, or to check his own version, particularly with regard to the numerous quotations from the Bible and the Fathers (*C.T.*, VOL. V, pp. 172, *n.* 2; 286, *n.* 2; there is a list in the Introduction, p. xxxix, l. 10). It follows that the original protocols are by no means a mere conglomeration of unverified notes. They were at least partially revised and completed, though it has to be admitted that they are not a fair copy of a properly drawn up protocol written while recollection was still fresh. For this reason Ehses felt justified in making the above-mentioned manuscript *Concilio* 62, the main basis of his edition of the acts for the period of 1 April to 12 October 1546. But what was to be done for the last five months of this period of the Council, of which we have no longer any original protocols? When were the fair copies made on which Ehses was obliged to rely for this section of his edition?

In order to clarify this question to some extent, for on the right answer depends the value of the protocols as a source, Ehses began by collecting every fragment of information about Massarelli's work on the acts of the Council to be found in his letters and diaries between the years 1546-9 (*C.T.*, VOL. V, pp. xiii ff., xx ff.; also the letters in *C.T.*, VOL. XI, pp. 470, *n.* 1; 474; 478, *n.* 4; 483, etc.). There he found repeated allusions to fair copies of the acts of the Sessions which, as officiating protonotary, Massarelli was instructed by the promoter of the Council to make at the conclusion of each Session (*C.T.*, VOL. I, pp. 574, l. 30; 576, l. 7; 580, l. 37; probably also pp. 555, l. 5; 603, l. 9). Between 2 December 1547 and 5 February 1548, Massarelli also executed at Bologna an authentic copy of the decrees of the Council for the Archbishop of Aix (*C.T.*, VOL. I, pp. 724, l. 14; 743, l. 3) which eventually came into the hands of the research student Renouard and finally into the library of Pierpont Morgan of New York. A copy in photo-type of this manuscript was published on the occasion of the fourth centenary of the Council by Stephen Kuttner, together with a valuable introduction. Six months later, on 13 August 1548, when conciliar activity at Bologna had already come to a standstill, the fair

copy of the acts of the Council, which made a stately volume (*iustum volumen*), was authenticated by Massarelli and the notary of the Council, Claudius della Casa (*C.T.*, VOL. XI, p. 455, l. 3). On 19 September 1548 Massarelli handed to Nuncio Pighino, as the latter was about to set out for Germany in company with the other conciliar notary, Nicholas Driel, a copy of the decrees of the Council written by himself on parchment (*C.T.*, VOL. XI, p. 470, l. 7). This manuscript cannot now be traced; to the fate of the former we shall revert later. The next step was that at the bidding of the legates Massarelli made arrangements for the first printing of the conciliar decrees. This was undertaken by the Bolognese printer Anselmo Giacarelli, who finished the task on 29 October 1548. Three of the 180 copies printed are in the Vatican Archives, one of them (*Concilio* 110) is authenticated by the original signature of Del Monte and Cervini under date of 30 September 1549.

Massarelli's activity in connection with the acts of the Council was not exhausted by his authenticating the acts and decrees of the Sessions. As early as 25 November 1546 *Diarium II* contains the following note: "The *Summarium* of the Council begun *in quarto*" (*C.T.*, VOL. I, p. 588, l. 15). On 30 November the diary records the conclusion, for the time being, of his work (*C.T.*, VOL. I, p. 589, l. 19), hence it cannot have been a very large one. He took it up again at Bologna and terminated it on 13 November 1548 (*C.T.*, VOL. I, p. 809, l. 34). This *Summarium* embraces both the preparation for the Council and its progress, up to the translation, and was based on official documents and the original protocols. However, the reproduction of the acts of the Sessions was so abbreviated that at Cervini's request Massarelli recast the *Summarium* between November 1548 and September 1549. Both editions have been preserved, the shorter one, *in quarto*, *Concilio* 44, the larger *in folio* (*volumen magnum*), *Concilio* 115, of the Vatican Archives. The latter is authenticated by three notaries. We must, however, bear in mind that though both summaries were composed at a time when the writer was still chronologically close to the events, they are not fair copies but abridgements of the original protocols. For all that, owing to the loss of the original protocols, we should have to rely on them for the last five months of the Council if Massarelli had not subsequently provided a complete fair copy of all the original protocols, at a much later date it is true, namely in the years 1565-6, that is after the termination of the Council. They form the present volumes 116 and 117 of *Concilio* which Ehses used for his edition, the first as a

subsidiary source, the second as a substitute for the lost original protocols. But it is evident that at this time, nearly twenty years after the events, the author was no longer able to correct from memory possible obscurities or mistakes in the text before him, all the more so as he did not copy it himself but merely watched over the copyists whom he employed. The impulse that prompted the making of the fair copies, which reconcile us to the partial loss of the originals, came from Pope Pius IV. The Pope's intention was nothing less than the complete publication of all the protocols of the proceedings.

The father of this idea was Cervini. As early as November 1548, hence as soon as the decrees had been printed at Bologna, he urged Massarelli to prepare the protocols of the congregations for the press (*C.T.*, VOL. I, p. 809, n. 8). Massarelli, however, shrank from this "opera di lungo tempo" and contented himself with recasting the above-mentioned *Summarium*. The plan for the publication of the protocols was not pursued any further, but when after two lengthy interruptions the Council had been finally terminated, Pius IV took it up once more. In the preface of the official Roman edition of the decrees of the Council, Paolo Manuzio announces in unmistakable terms the publication of the protocols: *Reliqua concilii acta, diligentissime per scribas publicos in ipso concilio excepta et litteris mandata, mox ita emittentur, ut quaecumque res in controversiam venerit, quaecumque vel sententia dicta vel oratio habita sit, omnia, denique agitata, quaesita, deliberata suo quidem loco distincte et abundanter exponentur* (*C.T.*, VOL. V, p. xxxii).

Pius IV created a special commission of cardinals for the preparation of the protocols for the press. It included five cardinals who were well acquainted with the course of the Council, namely Simonetta, Vitelli, Sirleto, Da Mula and Paleotti. Misgivings voiced in the commission soon led to an alteration in the original plan. The commission was unwilling to print the unabridged protocols. No more than a greatly abridged edition was to be published. Massarelli set to work once more. Two versions of the shortened protocols, which were, however, more circumstantial than the summaries already mentioned, have come down to us (*Concilio* 125 and 126, with the note *Imprimenda*). But they failed to satisfy the Pope, who insisted on his original plan of a complete edition. Thereupon Massarelli had the two above-mentioned fair copies of the original protocols executed by his assistants, but under his personal and constant supervision. These, together with their continuation (*Concilio* 118-22), became the precious, carefully guarded

source of information on the proceedings of the Council of Trent. They are not copies, it is true, of the whole of the material accumulated in the original protocols but only of the protocols proper; they do not include all the original votes in Massarelli's possession over and above those in the volumes of the original protocols, such as those in *Barb. lat.*, 882 (for particulars cf. Ehses, *C.T.*, vol. v, pp. xxxv ff.). The acts of the Sessions were not rewritten. By Massarelli's order the codex written in 1548 and authenticated on 13 August, was taken to pieces for the purpose of inserting the authentic acts of the Sessions in the newly executed fair copies. Independently of this *corpus* of the protocols the Pope ordered a new fair copy of the whole of the acts of the Sessions, including the decrees, to be made on parchment for official use—for in the meantime the Council had become the foundation and inspiration of the Church's life. This copy was authenticated by Massarelli. There were also appended to it the signatures of the legates of the last period of the Council, together with those of the prelates present at the concluding Session (*Concilio* 123). This official copy is the basis of Ehses's edition of the acts of the Council.

However, all the labour of Massarelli, now an old and sick man, was in vain: the publication of all the protocols of the transactions which had been planned was not carried out and we can only make guesses at the motives. Under Pius V fear of misuse may well have outweighed the prospect of the favourable impression which publicity on so liberal a scale might have produced.

Abandonment of publication of the acts—no matter in what form—was not as yet identical with secrecy. That the latter policy prevailed after the turn of the century was essentially due to two motives. The first was the wish to prevent the acts of the Council, and with them the assembly itself, from being drawn into the controversy on grace between Molinists and Thomists, and Rome was unwilling to furnish material to the opponents of the Council who were contesting its validity and the execution of its decrees with weapons drawn from its history—to men like Gentillet and Thou in France, but above all to Paolo Sarpi and his adherents. The authorities failed to perceive that in this way the history of the Council was being handed over to its enemies.

The principle of keeping the acts secret was maintained up to the nineteenth century. Ehses's attempt to deny it was unsuccessful ("Geheimhaltung der Akten des Konzils von Trient?" *R.Q.*, xvi (1902), pp. 296-307). As late as the pontificate of Pius IX the prefect of the Vatican Archives, Augustine Theiner, met with opposition in authori-

tative quarters when he sought to include Massarelli's acts in the publication of the sources for a history of the Council of Trent which he had planned. The publication did not materialise at that time. In June 1870 Theiner was relieved of his office on account of his having handed to the opposition, which had arisen at the Vatican Council, the so-called order of procedure of the Council of Trent—a private piece of work of Massarelli which did not form part of the acts and was composed after the conclusion of the Council. Theiner, however, was in possession of copies of Massarelli's protocols and these were published at Agram in 1874, through the initiative and with the financial assistance of the bishop of the opposition, Strossmayer of Diakovár. The *Acta genuina* broke the ban of secrecy but they were not a technically satisfactory edition of the protocols. A. von Druffel pointed out its defects soon after its appearance (*Theologisches Literaturblatt*, x (1875), pp. 337 ff.) and his criticism was confirmed and enlarged both by Ehses and by G. Merkle who prepared the acts and decrees for the *Concilium Tridentinum* of the Görres-Gesellschaft.

The acts of the Council and the protocols of the proceedings are Massarelli's most important contribution to the sources of the history of the Council of Trent, but they are not the only one. Three of the seven diaries which he kept during the Council refer to the first period. At the very outset of his journey to the Council and before he could reckon with the possibility of his becoming its secretary, he began to record in a notebook, first in Latin, but from 3 May 1545 in Italian, both his personal experiences and the historic events of which he was the witness. The original of this *Diarium I*, which Merkle had long searched for in vain, was found in 1934 among Pallavicino's literary remains in the Archives of the Gregorian University. H. Lennerz gave a description of it: "Das Original von Massarellis erstem Diarium" (*Gregorianum*, xv (1934), pp. 573-6). A comparison of the texts showed that the sixteenth-century copy on which Merkle based his edition in *C.T.*, vol. I, pp. 151-404, was a relatively good text. The critical acumen of the editor is admirable and far above the blame which was very properly administered to the first editor, Woker (in Döllinger, *Ungedruckte Berichte*, vol. I, pp. 66-258). No other source contains such rich material about events connected with the legates and life in the city of the Council as this *Diarium* which unfortunately breaks off on 1 February 1546.

Jeune and dry by comparison is the so-called *Diarium II* (*C.T.*, vol. I, pp. 424-66), which goes from 6 February 1545 to 11 March 1547,

but only chronicles outside events extracted from *Diarium I* and *Diarium III* presently to be mentioned. One cannot help asking oneself what was Massarelli's intention when he drew up this *Diarium*.

Information may possibly be supplied by some notes in *Diarium III* for October and November 1546 (*C.T.*, VOL. I, pp. 581, l. 7; 582, l. 33; 585, l. 12; 586, l. 18; 587, ll. 7 and 26; 588, l. 11). When Del Monte learnt that Massarelli kept a diary, he asked for a copy for his personal use. Massarelli complied with the request, but it is most unlikely that he would have copied the whole diary with its many purely personal observations, while there is every reason to think that he provided the president with a chronicle of the conciliar acts which would be useful to him in his official capacity since the protocols were not always available. It would not be in the least surprising if Massarelli had completed this chronicle at a later date, carrying it up to the translation, and if he had added the "survey" of the antecedents of the Council from the convocation of Mantua up to the legates' entry into Trent on 4 March 1545, which he had already drawn up in the summer of 1545 (*C.T.*, VOL. I, pp. 201, l. 39; 207, l. 22; 214, l. 17). This "survey" is bound up with the chronicle in the manuscript *Concilio* 92, but it betrays its separate origin by the fact that its conclusion does not chronologically agree with the beginning of the document. Besides this first, much corrected version, the *Praeparatoria*, without the chronicle, is also found in a manuscript of the Biblioteca Estense at Modena, Cod. Campori Y.Z. 6, 3 (H. Jedin, "Un altro Autografo di Angelo Massarelli", *Rivista di storia della Chiesa in Italia*, I (1947), pp. 430 f.). The combination of the *Praeparatoria* with the chronicle provided those who had only the conciliar decrees by them and had no access to the protocols, with a ready and most desirable orientation about the external course of the Council. This is why it was frequently copied and subsequently referred to. However, it is not a primary source but belongs to the summaries (as also *C.T.*, VOL. I, pp. xci f.; VOL. V, p. xxiii, n. 4); for the historian who possesses *Diarium I* and *III* the so-called *Diarium II* is of no value.

All the more valuable is *Diarium III* (*C.T.*, VOL. I, pp. 469-626). In this diary Massarelli noted at first whatever he learnt from others about the general congregations (he did not assist at them himself), beginning with the first, that of 18 December 1545. It was therefore not meant to be a continuation, but a supplement of *Diarium I* which has almost nothing to say about the conciliar proceedings. But when with *Sessio III* the work of the Council really got going and heavier demands were

accordingly made upon his time and energy, the keeping of two diaries on parallel lines proved too much. He accordingly stopped *Diarium I* and, starting from mid-February 1546, transferred all that he had confided to its pages to the diary of the congregations (*C.T.*, VOL. I, p. 479), that is conferences which, by order of the legates, he had had with Madruzzo and Pacheco, observations on work on the drafts of decrees, letters written by him on behalf of Cervini, invitations, walks and other personal details, though less fully than before, because the increasing work of the secretariat was taking an ever heavier toll of his time. In this way *Diarium III* became a running commentary on the protocols of the proceedings and the legates' correspondence—hence a source of the first importance.

However, the congregations which at first had alone constituted the content of the diary, are only briefly mentioned from the first days of April 1546, that is, from the time when Massarelli was present at them and drew up the protocols. For their course he refers again and again to his protocols: *ut in actis a me collectis notatum* (*C.T.*, VOL. I, p. 533, l. 9); *videndum in meis notationibus* (*ibid.*, l. 19). From this time onwards the protocols and the diary coalesce into a single source whose reliability depends on the ability, the circumspection and veracity of one man. It is therefore necessary to form a picture of his personality.

Massarelli's endowments were good but not outstanding. He was a good speaker but not a brilliant stylist, and least of all a versatile man of letters. He was neither a trained theologian nor is there any outstanding achievement of his on record in the branch of learning to which he had applied himself—jurisprudence. Merkle justly observes (*C.T.*, VOL. I, p. lxxx, l. 4) that his theological and historical information lagged behind that of Cervini and Sirleto while the elegance of his Latin style did not compare with that of Beccadelli, Flaminio and Priuli. An independent judgment on political, theological or canonistic controversies was beyond his capacity. On the other hand a natural urge, of invaluable consequence for us, drove him to collect and preserve historical material. He was first and foremost a tireless worker. Proud of the office that had fallen to his lot through a fortunate conjunction of circumstances he devoted all his strength to the discharge of his duties, making it a point of honour to fulfil it to the satisfaction of his employers. When he entered upon his duties he was certainly not in major Orders but was probably only a simple cleric. Merkle's arguments (*C.T.*, VOL. I, p. lxxxv) that he was still a layman are not convincing since he was a protonotary and had been recommended for

a benefice by the legates. It was only after he had formally entered upon his functions as secretary that at the general congregation of 5 August 1546, and in compliance with the legates' wish, he appeared for the first time wearing a gown (*C.T.*, VOL. I, p. 533, l. 17)—a borrowed one—but soon afterwards he put on clerical attire (*C.T.*, VOL. I, pp. 533, l. 23; 544, l. 9; 550, l. 31).

Even if the words "worked hard" did not meet us again and again in the pages of the diary, we would be ready to take his word for it that much was asked of him. As the trusted servant of the legates he would be going backwards and forwards between the Palazzo Girolodi, the castle and the Palazzo Salvadori, in order to keep the imperial cardinals informed of the legates' plans. He helped with the correspondence, though its main weight seems to have been borne by another of Cervini's familiars, Trifone Benci (*C.T.*, VOL. X, pp. 189, *n.* 1; 288). He frequently worked throughout the night with the legates and the deputies on the drafts of the decrees. He wrote out the *schedae* with the proposals, the schemata of subjects, often lengthy ones, which were to be discussed in the congregations and which were collected by the bishops' secretaries. (From the statement in *C.T.*, VOL. I, p. 584, to the effect that the execution of the copies of the decrees on justification occupied nearly three days, one might infer that at this time the bishops' secretaries did not as yet make these copies themselves; on the other hand *C.T.*, VOL. I, p. 116, l. 4 (*mitterent scribas*) suggests that they did.) In his capacity of a protonotary Massarelli authenticated, whenever requested, copies of the decrees and the acts of the Sessions (*C.T.*, VOL. I, pp. 555, l. 5; 603, l. 9). He issued attestations of presence to the members of the Council to save them from having to pay the tenth (*C.T.*, VOL. I, pp. 555, l. 33; 556, l. 17; 576, l. 12; 587, l. 14), or to enable them to go on drawing their salaries as professors (*C.T.*, VOL. I, p. 574, l. 7).

In recognition of the work of their assiduous secretary the legates recommended him for the vacant Priory of San Severino in his native town, (*C.T.*, VOL. I, p. 592, l. 17; X, pp. 756, l. 13; 769, l. 19). The imperial ambassador, Francisco de Toledo, also paid him his meed of well-earned praise (*C.T.*, VOL. I, p. 543, l. 32).

This vast amount of writing could only be achieved with the help of assistants. At first some of the legates' familiars may have come to the rescue, but on 15 October 1546 Massarelli engaged the services of a secretary in the person of the priest James of Verona who, for a fee of two gold ducats a month, undertook to write eight folios daily (*C.T.*,

VOL. I, p. 580, l. 6). The choice was not a happy one and James caused his employer a good deal of annoyance. On 22 December Massarelli found himself obliged to send messengers to the members of the Council to warn them not to honour any demands for money ostensibly made by his orders (*C.T.*, VOL. I, p. 595, l. 14). James went to prison (perhaps on account of his having stood bail, as hinted in *C.T.*, VOL. I, p. 931, supplementary to p. 589, l. 10, or some other irregularities) and was, only set at liberty on 5 January 1547, through Massarelli's intervention (*C.T.*, VOL. I, p. 599, l. 17) after the latter had conferred with the prisoner's ordinary (*C.T.*, VOL. I, p. 594, ll. 9 and 34). On 22 January 1547 his place was taken by Paul of Reggio (*C.T.*, VOL. I, p. 605, l. 44).

Although Massarelli's salary as a secretary amounted to no more than ten ducats a month (*C.T.*, VOL. I, p. 560, l. 30, which agrees with Manelli's account-book) his financial status was by no means unfavourable, as appears from his expenditure on clothes, his purchases at fairs and during the days preceding Christmas (*C.T.*, VOL. I, pp. 576 f.; 578, l. 5; 585, l. 12; 598, l. 38). At Christmas he made presents of money to eleven of Cervini's familiars (*C.T.*, VOL. I, p. 595, l. 38) and lent ten ducats to the "maestro di casa" Lorenzini (*C.T.*, VOL. I, p. 585, l. 26) and gave assistance to a countryman from San Severino who had come to him in a state of destitution (*C.T.*, VOL. I, p. 584, l. 31). He was proud to be in a position to obtain admission to *Sessio V* for three people of his native San Severino who came to see him in June 1546 and who were thus able to witness the honourable role played by their countryman at the Council (*C.T.*, VOL. I, p. 554, l. 25). Many prelates treated him as an equal and invited him to their houses, not only the Bishop of Bertinoro who, in point of fact, was often in and out of Cervini's residence (*C.T.*, VOL. I, p. 571, l. 27), but likewise important personages such as Campeggio, the regent of the Chancery (*C.T.*, VOL. I, pp. 493, l. 12; 594, l. 38), and Saraceni, the Archbishop of Matera (*C.T.*, VOL. I, p. 578, l. 31). The Bishop of Cambrai practically forced him to accept his hospitality (*C.T.*, VOL. I, p. 559, l. 2). On the occasion of a Sunday excursion to Pergine the Archbishop of Siena received him in his house (*C.T.*, VOL. I, p. 569, l. 18). But what gave him the greatest satisfaction was that a prince such as Cardinal Madruzzo treated him like a confidant of long standing (*C.T.*, VOL. I, pp. 386, l. 17; 481, l. 11; 513, l. 6, etc.); graciously took leave of him as he was about to set out for Germany (*C.T.*, VOL. I, p. 547, l. 20) and on his return recounted his impressions (*ibid.* p. 559, l. 15). When the work of the secretariat permitted, Massarelli, following the example of his employer

Cervini, was glad to take walks beyond the city walls, in the direction of Cognola or Pergine, in the company of Antonio Lorenzini, the "maestro di casa", or that of some others of the familiars, such as Girolamo Bellarmino, Costantino Cini, Antonio Manelli. In the spring he looked for and inspected a summer residence for his ever-ailing master. This was the Villa Theodori, near Cognola (*C.T.*, VOL. I, p. 548, ll. 13 and 29), but in the end Cervini did not rent it. Occasionally, too, of an evening he would indulge in a mild game of cards with the Bishop of Bertinoro or the abbots (*C.T.*, VOL. I, pp. 543, l. 37; 551, l. 23; 608, l. 33). So much work required some relaxation, but this never went beyond what is permitted. His horror of the disregard of religion exhibited by one of his colleagues (*C.T.*, VOL. I, p. 558, l. 4) sprang from his simple and obviously sincere piety. On Easter Day he began by assisting at a Low Mass said by Lorenzini and later in the morning attended the High Mass at the cathedral (*C.T.*, VOL. I, p. 541, l. 10). At Christmas he went to confession to the Father Guardian of San Bernardino (*C.T.*, VOL. I, p. 595, l. 32). Another time he received Holy Communion at the hand of Cervini with the latter's familiars. This was followed in the afternoon by a pilgrimage to the shrine of the Madonna of Civizzano, the day being within the octave of the Assumption (*C.T.*, VOL. I, p. 569, l. 15).

These small stones which we have put together go to form a mosaic of Massarelli's character. If he did not possess outstanding intellectual gifts he was a good man—*homo simplex, verus ac sincerus*, says Merkle, and we would add *pius*. Though determined to "get on", he was not self-asserting; without strong personal initiative, he was exact in the fulfilment of his duties and assiduous in the execution of the orders of his superiors, in a word, he was a secretary. Inner conflicts were as foreign to his uncomplicated nature as was political ambition. His standpoint amid the great religious and political controversies that surged around him was clearly defined from the beginning: the Papacy's cause was his cause also. His good relations with Madruzzo in no way diminished his loyalty to Del Monte, who had quarrelled with the latter, and still less his devotion to Cervini, the object of the Emperor's threats. Granted that he tones down certain painful incidents, such as the collisions of the impetuous president with the imperial cardinals on 10 May, and 28 and 30 July (*C.T.*, VOL. V, pp. 134, *n.* 5; 395, *n.* 2; 398, *n.* 2), there is nowhere a trace of hatred for the opposition, or of an attempt to blacken their character, or of deliberate falsification. His weakness lies not in his will but in his ability.

Much is missing in the acts that would be useful for the history of the Council (cf. S. Merkle, "Lücken in den Protokollen des Tridentinums und ihre Ergänzung", *ZSavRG*, KA, xxvii (1938), pp. 154-79, esp. p. 161). Where we are in a position to check Massarelli's protocols with the original votes, it becomes evident again and again that his theological training was not such as would have enabled him at all times to seize the fine points of the subtle theological discourses and the votes of the Fathers of the Council. From the standpoint of the history of dogma, therefore, his protocols are of limited value and by comparison with them each original vote in our possession is worth a great deal more. Massarelli was not invariably capable of distinguishing between what was important and what was of secondary value, or to view the course of a debate as a whole, as Severoli did most successfully. From the point of view of chronology he is more reliable than the latter but he sticks to details and dwells on particular incidents and even these are not always adequately reported; thus, for instance, Del Monte's important speech on 10 January 1547 is disposed of in fifteen lines whereas Severoli devotes five times as much space to it (*C.T.*, vol. v, p. 779; vol. I, p. 119). Of much less consequence than these two weaknesses are Massarelli's errors, though they are not numerous, in his lists of members present and his summaries of the votes. "Where is the man", Merkle asks (*loc. cit.*, p. 166), "whose duty it is to follow daily, for the space of four or five hours, discourses full of subtle theological distinctions and in part difficult to understand, and to record the sequence of thought and the conclusion to be drawn from it, who will not sometimes grow weary and so fail to reproduce accurately the meaning and purpose of a discourse?"

A. von Druffel, that severe critic of all adherents of the Papacy, accused Massarelli of lying and duplicity (*Theol. Literaturblatt*, x (1875), p. 339; xi (1876), p. 393). Druffel started from an erroneous assumption, for he maintained that a diary passing under Massarelli's name and in which there are statements that disagree with the acts and diaries described above, was a genuine work of his, in spite of the fact that Döllinger, in the introduction (pp. xxi f.) to his incomplete edition (*Ungedruckte Berichte*, vol. I, pp. 39-65) had already denied him the authorship, with good reason, and ascribed it to an anonymous writer. It is some excuse for Druffel that the copy in the Barberini Library actually bears the title *Angeli Massarelli Diarium* and that it exhibits a considerable verbal agreement with the latter's protocols, and even allows the secretary to speak in the first person singular. Merkle was

the first to disentangle successfully a complicated situation. In *Concilio* 98 he found the original text of the *Diarium* from which the copies had been made, identified it as an autograph of the promoter Severoli and showed how the error had arisen (*H.ŷ.*, xv (1895), pp. 749-76; *C.T.*, VOL. I, pp. xxxvi ff.).

Of the life of Ercole Severoli we know very little. He sprang from a family which was already living in Faenza in the fourteenth century and from which there came in the sixteenth century Africano Severoli, the pro-Datary of Leo X (cf. VOL. I, p. 414) and Giustiniano, inspector of the fortresses of the Papal States under Pius IV, the one perhaps the father or the uncle, the other a brother or cousin of our Ercole. Everything seems to point to the fact that when on the initiative of his "padrone" Cardinal Ardinghello, he went to Trent (first mention on 4 June 1545, *C.T.*, VOL. I, p. 200, l. 34), where six months later he became promoter of the Council, Severoli did not yet hold a curial office, otherwise the legates' unusually warm recommendation dated 19 January 1547 (*C.T.*, VOL. X, pp. 796 f.; VOL. I, p. 604, l. 29, *pro aliquo officio in Romano curia*) would be meaningless. He probably held an attorneyship as "procuratore" (*C.T.*, VOL. X, p. 88, l. 5) which was so profitable that his by no means slender salary as promoter—40 ducats a month—lagged far behind his previous emoluments. He complained of the "grandissimo danno" arising from his employment at the Council (*C.T.*, VOL. X, p. 796, n. 1) and based his request for release from it (*C.T.*, VOL. XI, p. 299, n. 3) on the loss (*iattura*) it caused him. The offices for which he was considered were no mere first steps, but neither were they exalted positions: "governatore" of Venaissin, substitute for the *auditor camerae*, consistorial advocate. The prospect of his becoming an auditor of the Rota he himself regarded as slender (*C.T.*, VOL. X, p. 797, n. 1). On 1 February 1548 he held a benefice in the diocese of Faenza, hence he must have been a cleric. He does not seem ever to have received major Orders for they were not required for the office of a procurator-general of the fisc which he held from 1568 until his death in 1571. (The list of officials in Hofmann, *Forschungen*, VOL. II, p. 95, includes the names of laymen.) His son was Giacomo Severoli, referendary of the Segnatura from the pontificate of Gregory XIII to that of Paul V (Katterbach, *Referendarii*, pp. 173, 258).

Just as Massarelli stood in close relation to Cervini so was Severoli in intimate contact with Del Monte, though he was not a member of his "familia". The relationship of mutual trust between the two men was so well known that when on 28 January 1546 Madruzzo was con-

versing with Massarelli in Severoli's presence, he observed a remarkable restraint for he knew that the president would learn everything through him (*C.T.*, VOL. I, p. 396, l. 2). He was so thoroughly initiated into the secrets of the leadership of the Council that on 31 October 1546 the legates sent him as far as Hall to meet Farnese for the purpose of acquainting the latter in advance with the state of affairs (*C.T.*, VOL. X, pp. 714, l. 20; 722, l. 12). By Del Monte's order he went in all haste to Rovereto on 30 July, to inform Cervini of the painful incident during the general congregation of the same day (*C.T.*, VOL. X, p. 870, l. 2).

As promoter of the Council Severoli was the assembly's legal assistant and the defender of its rights. He took part in the general congregations and the Sessions and his advice was sought in connection with the legal formulation of the decrees. It was he who at the end of every Session saw to the authentication of the acts by notaries and it was his duty, after a declaration of contumacy, to initiate canonical proceedings against absentees who had no legitimate excuse for their non-attendance. It was he who heard the witnesses previous to the translation of the Council, and after it had been effected he submitted the relevant acts to the Pope. The execution of these duties required an able jurist. That he was such a one Severoli proved by the treatise *De remissionibus litigatorum* which he wrote during the Council and published at Venice in 1548 with a dedication to Del Monte.

Besides his office at the Council, Severoli was charged with yet another commission which he probably owed to his "padrone" Ardinghello, and in which he was confirmed in writing in accordance with his own demand (*C.T.*, VOL. X, p. 395, n. 2): this was to keep Cardinal Farnese continually informed about the course of the discussions at the council. This measure was not inspired by any lack of confidence in the legates, on the contrary, Severoli's reports were meant to ease the legates' task in this respect. Often enough his "brief commentaries" as he called his reports, were accompanied by letters to Maffeo, the private secretary (*C.T.*, VOL. X, pp. 400, n. 2; 429 f.; 481 f.; 485 f.; 690, n. 1). The originals of part of them have been preserved to this day (for the list cf. *C.T.*, VOL. I, p. xlvii). The register kept by Severoli, which came into the Vatican Archives with the literary remains of Cardinal Paleotti under the title *Concilio* 98, is none other than the *Diarium*, the authorship of which Merkle has restored to Severoli (*C.T.*, VOL. I, pp. 1-147). It only reports on the discussions in the general congregations—summarily on the dogmatic ones but all the more fully on the reform debates and on any incident of political import.

For the first months of the Council, up to 1 April 1546, that is, up to the time when Massarelli, in his capacity of secretary to the Council, took over the drawing-up of the protocols at the general congregations, Severoli's authority is unique inasmuch as Massarelli, for the purpose of completing the text of the conciliar acts before that date, made an abstract (*Epitome*) from Severoli's reports and made it the basis of his protocols after the event (samples of text in *C.T.*, VOL. I, pp. xlviii-lxv). Hence Severoli's unabridged text is the fullest account by an actual witness of the general congregations of this period.

But even after 1 April 1546 Severoli repeatedly completes Massarelli's protocols on important points (examples in *C.T.*: VOL. I, p. 104, ll. 2 ff.; VOL. V, pp. 779 f., cf. with VOL. I, p. 119, ll. 38 ff.; VOL. V, pp. 833 f., cf. with VOL. V, p. 284, *n.* 2, p. 395, *n.* 2, p. 398, *n.* 2, pp. 462 f., cf. with VOL. I, pp. 123 f.). His reporting is more spontaneous than that of the conciliar secretary and much less timid. Though known to be a confidant of the Curia (*C.T.*, VOL. XI, p. 13, l. 12: "criado del papa") he enjoyed the respect of the Spaniards also (*C.T.*, VOL. X, p. 748, l. 11). The legates' encomium "diligente, dotto et amorevole" (*C.T.*, VOL. X, p. 796, l. 11) we may well expand. In his *Diarium* we hear an excellent observer, well informed and able to form a sound judgment and whom the historian may usually follow without hesitation.

More than to any other man this judgment is applicable to our third authority whom we now consider—the general of the Augustinians, Seripando. G. Calenzio, *Documenti inediti*, 153-254, has published a complete but uncritical edition of his Diary (*Commentarii de vita sua*) while Merkle (*C.T.*, VOL. II, pp. 432-68) has given us the section for the years of the Council, 1545-62, with copious notes. However, this provides little more than catchwords (for a criticism of the sources, see H. Jedin, *Seripando*, VOL. II, pp. 355 ff.) but refers to another diary, *alter commentariorum liber*, on the Council. This diary, however (*C.T.*, VOL. II, pp. 399-429), only goes as far as *Sessio* II; beyond this nothing remains except fragmentary notes chiefly on the formulation of the decree on justification (*C.T.*, VOL. II, pp. 429-32). The conciliar diary, in its present form, was not written while the discussions were in progress but was drawn up by him more than ten years later when, as Pius IV's legate, Seripando was waiting for the opening of the Council. In doing so he made use of notes taken by him at the time, as well as of documents collected by him (*C.T.*, VOL. II, pp. 410; 413, l. 20), so that the work is no longer a diary properly so called but rather a beginning of a history of the Council. As might be expected from a man of

Seripando's intellectual and religious standing, his diary surpasses all the other accounts we possess of this period of the Council in its attempt to be both objective and just, even towards the Lutherans (especially in the draft of an order of procedure, *C.T.*, VOL. II, pp. 416 ff.). The pity is that the commentaries break off at the very point when the beginning of the real work of the Council put this outstanding personality in the very centre of the discussions.

Massarelli, Severoli and Seripando, though so markedly differentiated by their intellectual ability, are all three on the side of the papal legates in their review of the proceedings of the Council. Only one single *Diarium*—if it may be thus described—is in existence which views events from the standpoint of the imperial party, namely the *Epilogue* of the Belgian Laurentius Pratanus (Prée). Born in 1519, in the diocese of Cambrai, Prée had been a canon of the cathedral of Tournai and in the service of the Bishop of Cambrai, Robert de Croy, before going to the Council at a date which is in dispute. Merkle's surmise that he arrived at Trent as early as 6 April 1545, together with the proctor of the Bishop of Cambrai, Adrian Loyr (*C.T.*, VOL. I, p. 170, l. 25) is not supported by any direct source. Robert de Croy himself only arrived at Trent more than a year later, 8 June 1546 (*ibid.*, p. 553, l. 32) and only remained for a short time. By 26 August he had left (VOL. X, p. 626, l. 13). It was at this time, at the latest, that Prée entered the service of Cardinal Madruzzo whom he accompanied to the conclave in 1549 (VOL. II, p. 127) and in whose name he welcomed the Cardinal-legate Crescenzo on his arrival in the city of the Council on 29 April 1551 (Theiner, VOL. I, p. 475). All we know of his subsequent career is that in 1566 he acted as vicar of Cardinal Granvella for the Abbey of Saint-Amand-les-Eaux (also called en-Pevelle) and that in 1573 he became Archdeacon of Tournai. He died on 1 April 1577. His epitaph in the Flemish chapel of the cathedral (text in *C.T.*, VOL. II, p. li), extols his knowledge of languages and his skill as a stylist.

As its very title shows Prée's *Epilogue* is not a diary in the strict sense of the word but a retrospective survey of the course of the Council up to the translation. It was compiled immediately after that event or at any rate previous to the Council's return to Trent—hence the concluding sentence: *atque hic Tridentini concilii fuit exitus* (*C.T.*, VOL. II, p. 395, l. 10). The astrologer's prophecy of Cervini's elevation to the Chair of St Peter mentioned by him is not necessarily a *vaticinium post eventum* (*ibid.* p. 372, l. 18). His aim is to describe the progress of the Council apart from the theological debates proper—*quae extra theologorum*

altercationes inter patres agitatae sunt (*ibid.*, p. 368, l. 42) and this in chronological order (*ordine quo in conventibus acta sunt*). This would show in what spirit the assembly was guided by the legates—none other than a determination to prevent a reform by all manner of deceptive manoeuvres, and to prepare the way for the translation. The writer, a convinced imperialist, vents his spleen not so much on Del Monte as might have been expected from a familiar of Madruzzo, but on Cervini, whom he regards as the spiritual author of the translation (*ibid.*, pp. 386, l. 36; 388, l. 2). Although a number of mistakes and even confusions have escaped him (for instance he confuses Augsburg with Aosta, *ibid.*, p. 374, l. 35), Merkle very properly argued that statements and incidents found only in Prée and not mentioned by any other witnesses may not on that account be simply regarded as so many inventions (*H. J.*, xxxi (1911), pp. 305-22). In his capacity as Madruzzo's secretary he was in a position to question both those who were present at the public discussions and those who were acquainted with the private ones. It is probable that he even had a written source at his disposal, namely the diary consisting of five quires of the Bishop of Capaccio who died shortly before the translation. We have proof that Madruzzo's secretary Alberti took steps for its acquisition (*C.T.*, vol. x, p. 835, n. 6; H. Jedin, "Un diario del concilio andato perduto", *Il Concilio di Trento*, I (1942-3), pp. 147 ff.). If these notes of the Bishop of Capaccio were at Prée's disposal we should have a very good explanation of the fact that he was able to report the unfriendly reception of the Neapolitan bishops who came to Rome as the prospective bishops' proctors (*C.T.*, vol. II, p. 366, l. 7) and of whom Capaccio was one, and that he invariably takes particular note of the bearing of the imperial envoys and prelates. This document may also be the source of the information about the proceedings at the Council up to June 1546. In that case there would be no need to place his arrival at Trent a year earlier—a supposition for which there is no documentary evidence. What is certain is that the *Epilogue* is dominated by a very definite bias and must therefore be used with caution. It was twice printed in the eighteenth century, the first time in the *Bibliothèque Française* of Amsterdam, vol. v (1725), pp. 72-161; 278-326, probably from the original in the cathedral library of Tournai but which exists no longer. It was printed a second time in 1787 by Le Plat in vol. VII, pp. 1-30 from a transcript of the first printed text. Merkle's edition (*C.T.*, vol. II, pp. 365-95) is based on two eighteenth-century manuscripts, only one of which, *Cod.* 4240 of the Communal Library of Trent and

belonging to the literary remains of Mazzoleni, goes back to a manuscript of the Magliabecchiana of Florence, now no longer to be found, and therefore back to an independent tradition. The oldest manuscript still in existence, which formed part of Massarelli's literary remains, *Cod.* 614 of the Archives of the Gregorian University, was not yet at the disposal of the editor (cf. Jedin, *Quellenapparat*, pp. 68 f., 89).

No less valuable than the diaries and an even richer source of information for the social and cultural life of the Council is the account-book (*Libro delle spese*) of the conciliar depository Antonio Manelli for the years 1545-9, which has only been printed in Calenzio (*Documenti inediti*, pp. 1-150). The material for the edition prepared by Merkle in the third volume of the diaries was destroyed in the burning of Würzburg on 16 March 1945. Like Massarelli, Manelli was originally in the service of Cervini in the capacity of "guardarobba" and it was only in January 1546 that he took charge of the conciliar chest which had been founded in the meantime. Up to this time the fund at the personal disposal of the legates had been administered by their personal cashiers and by Beccadelli, the secretary-designate of the Council. From this circumstance we conclude that the first three leaves of the account-book are a later compilation for which Manelli obviously used his own notes and references and perhaps also those of Michelangelo, Del Monte's "guardarobba". Be this as it may, for this period we have to reckon with the possibility of some inaccuracies. Thus on 4 July 1545 the legates report to Rome that they had paid 40 scudi to each of the three bishops that had been recommended to them (*C.T.*, VOL. x, p. 134, l. 30). On 15 June the account-book notes a subsidy of 10 scudi for the Bishop of Bertinoro and on 17 July one of 100 scudi for the Bishop of Chioggia; on 22 August one of 25 scudi for the Bishop of Accia. Manelli's account to the Camera on 8 November 1546, published by Buschbell in *C.T.*, VOL. x, pp. 886 f., seems to show that he was in the habit of rendering an account every other month. The expenses listed there are found in the account-book, and even in greater detail. On the other hand the extracts from account-books of the Dataria published by Ehses, *C.T.*, VOL. v, pp. lviii f., are real addenda to Manelli's account-book inasmuch as they show payments made from the conciliar chest.

The chief source for a presentation of the political history of the Council is the official correspondence (*Commune*) of the legates with the Cardinal-nephew Alessandro Farnese and, during the latter's absence

from July to December 1546, with his substitute Guido Ascanio Sforza, Cardinal of Santa Fiora, a son of Costanza Farnese, Paul III's daughter. Of this correspondence, the senders' drafts are preserved almost in their entirety among Cervini's literary remains, the *Carte Cerviniane*, in the State Archives of Florence (Filza 5-12; cf. *C.T.*, VOL. X, pp. xviii f.) while the recipients' copies are in the *Carte Farnesiane* of the Vatican Archives and the State Archives of Naples. The Pope is only approached directly by the legates in exceptional cases (*C.T.*, VOL. X, pp. 707 ff.; 594 f. and 601, *n.* 1 are letters of credence). Although Cervini, an adept in the use of the pen, made the greater contribution to the drafting of reports, these nevertheless betray in many places Del Monte's temperament and mode of expression, in fact the latter introduces himself in the first person singular (*C.T.*, VOL. X, p. 654, l. 36; cf. J. Müller in *Z.K.G.*, XLIV (1925), pp. 418 ff.). Difference of opinion between the two legates never went so far that their private correspondence with the cardinal-nephew affected their joint planning and acting. However, hardly anything remains of Del Monte's private correspondence. Cervini's epistolary activity is therefore all the more remarkable. He took advantage of his friendly relations with Bernardino Maffeo, Farnese's private secretary, to pass on to the Pope, in a confidential and friendly way, thoughts and suggestions which he was unwilling to entrust to the official correspondence with the nephew; hence the correspondence between Cervini and Maffeo is scarcely less important for the history of the Council than the official, *Commune*, correspondence of the legates.

A considerable portion of the legates' correspondence, up to the end of June 1546, had already been printed by A. von Druffel in *Monumenta Tridentina* (1884-99), on the basis of the *Carte Cerviniane*, when Gottfried Buschbell published the whole of it, up to the translation, in *C.T.*, VOL. X (1916). He also included at least the most important pieces of the legates' correspondence with the nuncios at the imperial court and in France; much of the former had already been taken note of in *Nuntiaturberichte aus Deutschland*. To the extensive correspondence with the nuncio in Venice, Giovanni della Casa—125 legatine letters in all—Buschbell had no access. It became the property of Cardinal Ricci and is now preserved in the Biblioteca Ricci at Montepulciano as *Cod.* 4. It yielded but little for the political history of the Council but gave a good deal of information about attendance of Venetian bishops, finances, books and other practical matters for which the assembly depended on the nearby metropolis.

A second category of official reports on which the historian of the Council should base himself would be the ambassadors' reports on the Council. However, in the supplement to his first volume of letters (*C.T.*, VOL. XI, pp. 3-129), Buschbell has only been able to bring together a fairly considerable number of reports of the imperial envoys Diego de Mendoza and Francisco de Toledo and the three Spanish Crown jurists who for a time represented the Emperor's interests at Trent. These reports are supplemented by letters of Cardinal Pacheco and the Bishop of Astorga as well as by reports of the Roman ambassador Juan de Vega and the Spanish Crown cardinals. On the other hand we possess next to nothing of the reports of the three French envoys and very little of those of Ferdinand I's two representatives, Castelalto and Queta: G. J. Planck, *Anecdota quaedam ad hist. concilii Tridentini pertinentia*, fasc. 13 (Göttingen 1804), pp. 3-6; the letters published in fasc. 24 (1817) belong to the year 1545. Of Pietro Camaiani, Cosimo I's agent, we have only a few brief extracts, cf. Jedin, "La politica conciliare di Cosimo I", *Riv. stor. ital.*, LXII (1950), pp. 346 f. Cardinal Gonzaga, the regent of Mantua, needed no agent to obtain news of Trent; Vida, Bertano and other prelates kept him informed and the busy traffic on Lake Garda carried the latest news from the Council to the ducal castle. The Duke of Ferrara's informant was the Abbot of Pomposa and that of the Republic of Lucca, Benedetto de' Nobili. On the other hand no trace remains of the copious information that must have reached the Signoria of Venice.

Buschbell has printed the full text of only a very small part of nearly 1500 letters of the period between the opening and the translation of the Council, but made use of the greater part in his footnotes. Most of these letters are private communications from or to members of the Council. Often enough they report what has long been known, or deal with purely personal matters, but now and again they throw fresh light on things so that they should not be underestimated. Even if the writers were not initiated into all the mysteries of conciliar policy, they reflect the state of mind of the average member. In the letters from Rome to Trent, in G. B. Cervini's letters to the cardinal, for instance, and in those of Cattaneo to Madruzzo, we find many things that we miss in the official instructions for the legates but which throw light on those directives. To this group belong the letters of Giovanni Bianchetti to the nuncio in Venice of which we are the first to make use. They are preserved in *Cod.* 5 and 6 of the Biblioteca Ricci at Montepulciano. For the rest Buschbell's researches at Simancas and

in the Archives of the smaller Italian princes, especially those of the Gonzaga and the d'Este, were so thorough that very little supplementary material had to be added.

For particulars the reader is referred to the introductions with which Ehses, Merkle and Buschbell preface the volumes of *Concilium Tridentinum* published by them. There recent research has been taken note of and supplemented by personal observation. A brief orientation on the formation of the sources is furnished by my *Überblick über die Erforschung der Geschichte des Trienter Konzils*, pp. 13-39.

Among the earlier general accounts of the first period of the Council those of Sarpi and Pallavicino must be assessed because they represent two contrary conceptions of that history which have imposed themselves on the European mind for nearly three hundred years. We have already reviewed the circumstances that led to the writing of both works; hence we need only discuss briefly their reliability and their bias.

Paolo Sarpi's *Istoria del Concilio Tridentino*, published in London in 1619 under the pseudonym of Pietro Soave, views the Council of Trent as a highly successful deceptive manoeuvre on the grand scale, engineered by the Roman Curia, by means of which it renewed its power, though at the price of the perpetuation of the division of the Church and the abandonment of a genuine reform which, in Sarpi's mouth meant a reform on episcopalistic and Gallican lines. In classical Italian, which is admired to this day, he gives a seemingly temperate description (BOOK II, Ch. 2-10) of the first period of the Council while it actually quivers with fierce hatred for the Curia. In that account Sarpi fills the gaps in his sources with conjectures and even with downright inventions, to what extent it has not been, and perhaps never will be, possible to ascertain. At the very least, suspicion is raised when in the first congregation of theologians, on 20 February (II, 3, Gambarin, VOL. I, pp. 239 f.), he puts into the mouths of the Franciscan Lunello and the Carmelite Marinarius discourses on the problem of the sources of the faith of which no protocol, no diary, no letter tells us anything, but the content of which is remarkably in agreement with known discourses of Alfonso de Castro and the Bishop of Chioggia. In the mouth of Cardinal Pole he puts an invective against Marinarius which is utterly at variance with the cardinal's peaceable nature. If there is question here of discourses in the reporting of which it might be supposed that Sarpi, acting in the manner of the ancients on whom

he modelled himself, claimed far greater freedom than we are prepared to concede, his method is wholly inexcusable when he enumerates (II, 4, Gambarin, VOL. I, p. 274) nine articles as forming the basis of the debate on original sin of which there is not a trace in the acts (that they are an elaboration of the thirteen errors, *C.T.*, VOL. V, p. 212, as Ehses thinks, *H.Ź.*, XXVII (1906), p. 71, is beside the point); on the contrary, we know for certain that no collection of theses, but questions were put at the beginning of the discussion of original sin. The same proceeding is repeated when he comes to the discussion of justification. According to Sarpi (II, 5, Gambarin, VOL. I, pp. 305 ff.) twenty-five articles were debated up to 20 August which are not identical with the "errors" attested by the protocols, *C.T.*, VOL. V, pp. 281 f., and which have nothing to do with the first formulation of the decree on justification, *C.T.*, VOL. V, pp. 484 ff., and on which the last vote was taken in the general congregation of 17 August. We can only assume that he himself put these twenty-five articles together. Of a special debate on the problem of free-will and predestination which according to Sarpi was based on six Lutheran articles (Gambarin, VOL. I, pp. 330 f.), and eight Zwinglian ones (Gambarin, VOL. I, pp. 335 f.), there is not one word in the acts.

Why did Sarpi allow the difference of opinion on the acceptance of the decree on residence in *Sessio* VI—one so painful for the legates, but which would have suited his views—to escape his notice? There can only be one answer: there was nothing about it in his sources. Inadequately informed as he was, he states that the canonists discussed abuses in the administration of Baptism and Confirmation during the interval between *Sessio* VI and *Sessio* VII (II, 8, Gambarin, VOL. I, pp. 392 f.) while in fact they were only submitted for discussion on 26 July 1547 at Bologna (*C.T.*, VOL. VI, pp. 302 f.). He claims (II, 9, Gambarin, VOL. I, p. 408) to have had in his hands a memorial on reform drawn up by Spanish bishops and comprising eleven points, which he asserts was submitted to the legates on 3 February 1547, hence at the same time as the draft of the thirteen reform chapters (*C.T.*, VOL. V, pp. 871 f.) We know these eleven points. They were not a memorial presented by the Spaniards but extracts from their votes made by the legates and incorporated in their report of 6 February (*C.T.*, VOL. X, pp. 808 f.). It is inconceivable that the legates could have ignored such a memorial, which constituted a highly important political incident, both in their report to Rome and in the course of the debate. We must assume that Sarpi found these eleven points in the material at his disposal, but was

ignorant of their origin and so inferred that there was question of a Spanish memorial.

These examples may suffice. There can be no question but that a series of articles on original sin and justification, that is, official documents which have not been preserved in the secretariat of the Council, nor in the literary remains of any member of that assembly, could have come into Sarpi's hands by means that cannot be verified. He must have put them together himself with the help of other, genuine material at his disposal, but which he was unable to fit in chronologically; and that surely means that he invented them. On the other hand this serious allegation might be excused when, like Xenophon and Tacitus, his models, he puts in the mouths of bishops and theologians discourses that they might conceivably have pronounced; he might be excused when the criticism of the decree on justification (II, 7, Gambarin, VOL. I, pp. 363 ff.) which he ascribes to others, is in reality his own.

Ehse's question: "Did Sarpi, when writing his history of the Council of Trent, draw from sources which have ceased to flow?" (*H. J.*, xxvi (1905), pp. 299-313) need not be answered with a simple, categorical "No". It is perfectly possible that among Sarpi's sources there may have been items which we do not possess. The losses suffered by the Venetian State Archives and those of the Archives of the Servites preclude any kind of verification, but the arbitrary way in which he uses his sources in cases where we are in a position to check his statements makes it impossible to rely on the information he supplies and deprives it of all value. Sarpi had political talent; he could question history. He was a gifted writer and a master of the Italian language—as a historian he cannot be relied upon.

It was easy for Sarpi's opponent Pallavicino, in view of the copious material at his disposal in Rome, the greater part of which had already been collected for him by his industrious and circumspect predecessor Terenzio Alciati, to prove Sarpi guilty of a whole series of errors. The apparatus of his sources, with which the editors of *Concilium Tridentinum* were not yet acquainted (for the inventory cf. Jedin, *Quellenapparat*, pp. 85-99), comprised some eighty volumes, without counting manuscripts temporarily loaned to him and Massarelli's volumes of the conciliar acts which he was able to consult. His use of the latter source can be controlled by means of his quotations from it, which is not the case with Sarpi. We grant that nearly all the sources were of curial origin and that scarcely any of the opposite viewpoint are to be found among them. Every historian depends on his sources—Pallavicino is

no exception. Before all else we must take note of the purpose that guided him in the composition of his history. His book is an advocate's plea, based on a whole portfolio of documents against an inadequately equipped opponent. His intention was to provide an *apologia mescolata d'istoria*, not an impartial history. For all that, his account of the first period (BOOKS VI-IX; Zaccaria, VOL. II, pp. 77-275; III, pp. 11-79), is twice as extensive as Sarpi's and approaches much more closely to historical reality than that of his opponent, were it only for the simple reason that it keeps close to the excellent sources from which it draws. In spite of the criticism to which Ranke subjects both him and Sarpi in his famous *Excursus*, the fact remains that in his account of the facts he relies chiefly on Pallavicino, not on Sarpi. But since we are now in possession of his sources—and even of more sources than he had at his disposal—it would not be worth while to test his story continuously or to quarrel with his views and opinions.

"All historians who wrote after Sarpi and Pallavicino", the Marquise de Forbin-d'Oppède wrote in her *Étude Historique sur le Concile de Trente*, published in 1874 under the assumed name of L. Maynier, "have been content to copy them or to adapt them". Two completely contradictory conceptions of the history of the Council were face to face. Adherents of Sarpi, men like the one-time Oratorian Le Vassor and the one-time Protonotary Aymon, sought to weight the scales in favour of the model they admired by means of the publication of secret correspondence (Vargas, Visconti). Equally in vain did such keen collectors as Lagomarsino and Zaccaria endeavour to justify Pallavicino, the one by the publication of the Poggiani letters, the other by his great annotated edition of Pallavicino. Only recourse to the two chief sources, that is, to the acts and the correspondence of the legates, could settle the matter, but not to the collection, useful though it is in itself, made by the Louvain jurist Le Plat (1781-7) of all the material that was then known; his *Monumenta* were more or less *membra disiecta*.

Notwithstanding the varied enrichment of our knowledge of the sources which the nineteenth century has brought us, Döllinger's friend, the Marquise Forbin-d'Oppède, was conscious of the fact that her own *Étude* had nothing of decisive value to offer for she too had no access either to the acts or to the legates' correspondence. However, Theiner's *Acta genuina* appeared in that same year 1874, but the Marquise, from motives which it is impossible to ascertain, did not carry her cautious work—equally instinct with love of truth and love of

the Church—beyond the year 1562. She died on 28 February 1884 (cf. St Lösch, *Döllinger und Frankreich*, Munich 1955, p. 486). Döllinger and Druffel who, besides the Oratorian Calenzio, continued through the ensuing years their investigation of sources in the publications already mentioned (Döllinger's *Ungedruckte Berichte* 1876, Druffel's *Monumenta Tridentina* from 1884), knew only too well the vast amount of work that had to be done on the foundations before it would become possible to raise on them the edifice of a new history. As a matter of fact, owing to their being at variance with the Church since the Vatican Council, it would have been difficult for them to view the subject with the serenity which is indispensable for the study of history.

The opening of the Vatican Archives by Leo XIII laid the foundations for a critical edition, in accordance with modern standards, of all the available sources, the most important of these being, naturally, the acts and the correspondence of the legates. At the instigation of Heinrich Denifle (cf. A. Walz, *Analecta Denifleanza*, Rome 1955, pp. 30 f.), the directors of the Görres-Gesellschaft decided on 16 May 1894, to publish the "Acts of the Council of Trent", and after Heinrich Fink and Johann Peter Kirsch had ascertained the contents of the Vatican Archives, they secured, in the persons of Merkle and Ehses, outstanding editors of the diaries and the acts. These editors were subsequently joined by Vincent Schweitzer for the treatises and by G. Buschbell for the correspondence (for further details, cf. Jedin, *Überblick*, pp. 195-213). The ideal solution would have been if either Ehses or Merkle, familiar as they were with all the particulars, thanks to a decade's work on the sources, had ventured on a new history of the Council.

Although he was by then nearing death, Ehses did make a start, but only a few pages were written when he died in Rome on 19 January 1926. Merkle, who had worked longer than any of the others on the sources, a man profoundly conscious of the historical greatness of the subject and himself a masterly interpreter of history, deliberately declined the task. Although the *Concilium Tridentinum* is not yet complete, the material so far published enabled the theologian Richard from Louvain, in 1930-1, to publish a continuation of Leclercq's French edition of Hefele's *History of the Councils*, composed in accordance with the descriptive method of the complete work. This was followed in 1938 by an extraordinarily handy, annotated edition of the decrees by Michel. These two works are not rendered superfluous by our presentation of the subject-matter which pursues a different aim.

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Chronological Table

G.C. = General Congregation
P.C. = Particular Congregation (Classes)
C.Th. = Congregation of theologians

<i>Date</i>	<i>Nature of the Discussion</i>	<i>Subject</i>	<i>Contemporary Events</i>
1545			
December			
13	<i>Sessio I</i>	Opening	
18, 22, 29	G.C.	External order; right to vote	
1546			
January			
4	G.C.	Conciliar officials; the formula <i>universalem ecclesiam repraesentans</i>	
7	<i>Sessio II</i>	Pole's exhortation; decree on a rule of life. Sermon by the Bishop of S. Marco	
18	G.C.	Programme: Dogma or reform?	
22	G.C.	Parallel discussion of dogma and reform is decided upon	21/22 Jan.: Letter of reproof from Farnese
26	G.C.	Postponement of the <i>Sessio</i> ?	22 Jan.-10 March: Religious colloquy of Ratisbon
29	G.C.	Letters to princes	
February			
2	First P.C.	Postponement of decree on dogma and reform	
3	G.C.		
4	<i>Sessio III</i>	<i>Symbolum Nicaeno-Constantinopolitanum</i> . Sermon by Ambrosius Catharinus, O.P.	
8	G.C.	Holy Scripture and Tradition	18 Feb.: Death of Martin Luther
11	P.C.		
12 & 15	G.C.		
18	P.C.		
20	First C. Th.		
23	P.C.		
26	G.C.		
March			
1	P.C.	Abuses in connection with Holy Scripture	
5	G.C.	Appointment of a deputation for the purpose of listing these abuses	

CHRONOLOGICAL TABLE

<i>Date</i>	<i>Nature of the Discussion</i>	<i>Subject</i>	<i>Contemporary Events</i>
March— <i>contd.</i> 8 & 9	C. Th. }	Abuses in connection with Holy Scripture	
17	G.C. }	Report of the deputation	
23	P.C. }	Draft of a decree on	
27	G.C. }	Scripture and Tradition	
April			
1	G.C.	Fourteen <i>Dubia</i> about this draft of a decree	1 April: Massarelli made conciliar secretary
3	G.C.	Four abuses; the deputation is instructed to submit a draft for a decree	
5	G.C.	Discussion of a draft of a decree on Scripture and Tradition; the Vulgate decree is submitted	5 April: reception of Francisco de Toledo, the imperial envoy
6	P.C. }	Acceptance of both decrees	
7	G.C. }		
8	<i>Sessio IV</i>	Decree on Scripture and Tradition; the Vulgate decree. Sermon by Bonuccio, General of the Servites	10 April: the Emperor's entry into Ratisbon
13	P.C. }	Study of the Bible and preaching; Formula I of the decree	18 April: Palm Sunday
15	G.C. }		25 April: Easter Day
May			
7	P.C. }	Duty of residence; the Bishop of Fiesole speaks against the privileges of the Orders	
10	G.C. }		
18	G.C.	Critique of Formula II; the right of making proposals	12 May: Madruzzo leaves for Ratisbon
20 & 21	G.C.	Biblical studies in monasteries; the bishops' duty to preach; the duty of residence	
24 & 25	C.Th.	Original sin	
28 & 31	G.C.	Original sin	
June			
4 & 5	G.C.	Original sin	
8	G.C.	Decree on original sin: Formula I	6 June: Charles V signs alliance with Paul III
9 & 10	G.C.	Duty of residence	
10 & 11	C.Th.	Decree on original sin: Formula I	13 June: Whitsunday
14	G.C.	Decree on original sin: Formula II	
15	G.C.	Formula III of the decree on biblical studies and on preaching	

CHRONOLOGICAL TABLE

<i>Date</i>	<i>Nature of the Discussion</i>	<i>Subject</i>	<i>Contemporary Events</i>
June— <i>contd.</i>			
16	G.C.	Both decrees accepted	16 June: Intervention of the imperial envoy against the definition of dogma
17	<i>Sessio V</i>	Decree on original sin; decree on biblical studies and on preaching. Sermon by Marcus Laureus, O.P.	19 June: Charles V's agreement with Maurice of Saxony
21	G.C.	Proposal: justification and duty of residence	25/26 June: the legates' first plan for a translation
22-28 (except 24)	C.Th.	Six articles on justification	28 June: Pole's departure from Trent
30	G.C.	Proposal: Three <i>Status</i> of justification; memoranda on impediments to residence handed in	
July			
5-13 (except 11)	G.C.	<i>Status I</i> of justification	8 July: reception of French envoys
15-23 (except 18)	G.C.	<i>Status II</i> and <i>III</i> of justification	17 July: Sanfelice-Grechetto incident
28 & 30	G.C.	Formula I of the decree on justification submitted; Del Monte's altercation with Madruzzo and Pacheco over the date of the <i>Sessio</i>	26 July: March-past of the papal army
August			
13 & 17	G.C.	Debate on Formula I of the decree on justification	1 August: the legates are authorised to transfer the Council 2-10 August: Cardinal Farnese at Trent. The legates' second plan for a translation
28	G.C.	Certitude of grace	19 August: Procession for a happy issue of the war
September			
23	G.C.	Formula II of the decree on justification submitted	15 Sept.: Mustering of the imperial armies before Ingolstadt
27-29	C.Th.	Formula II of the decree on justification	
October			
1-12 (except 3 and 4)	G.C.	Formula II of the decree on justification	9 Oct.: the legates' plan for a suspension; Bertano's intervention
15-26 (except 17 and 24)	C.Th.	A twofold justice and certitude of grace	
29	G.C.	Decision to discuss the decree and the two articles simultaneously	27 Oct.: Pole released from his legatine duties

CHRONOLOGICAL TABLE

Date	Nature of the Discussion	Subject	Contemporary Events
November			
5	G.C. }	Formula III of the decree on justification submitted	
9, 10, 12	G.C. }		
13	G.C. }		
18-24 (except 21)	G.C. }		
26-29	G.C. }	Formula II of the decree on justification. A twofold justice and certitude of grace	14-17 Nov.: Farnese at Trent ; November agreement with Mendoza on a suspension 21 Nov.: Northward withdrawal of the troops of Schmalkalden
December			
1	G.C. }		
3 & 6	G.C.	Nine criticisms of Formula III	3 Dec.: Departure of Diego de Mendoza from Trent
7-16 (except 8)	G.C.	Special debate on the revised Formula III (= Formula IV)	
13		Bishops-theologians discuss for the first time certain special questions	
17	G.C.	Certitude of grace	
20	G.C.	Fixing the date of the <i>Sessio</i>	22 Dec.: Ulm submits to the Emperor
29	G.C.	Date of the <i>Sessio</i> fixed. Duty of residence	
30	G.C.	Duty of residence	31 Dec.: Reform Bull: <i>Nostri non solum</i>
1547			
January			
3 & 4	G.C.	Duty of residence	
7-10	G.C.	Formula I of the decree on residence	
11		Bishop-canonists discuss for the first time the decree on residence	
11	G.C.	Approval of the decree on justification (= Formula V)	
12	G.C.	Approval of the decree on residence	
13	<i>Sessio</i> VI	The decree on justification; decree on residence; declaration of contumacy. Sermon by Tommaso Stella, O.P.	
15	G.C.	Discussion about acceptance of the decree on residence; matters are clarified by the bishops-canonists	
17	G.C. }	Thirty-five articles on the sacraments in general submitted. Baptism and Confirmation	22 Jan.: Recall of the papal troops from Germany. Francisco de Toledo's negotiations in Rome for financial assistance by the Pope
20-29 (except 23)	C.Th. }		27 Jan.: Death of Henry VIII

CHRONOLOGICAL TABLE

<i>Date</i>	<i>Nature of the Discussion</i>	<i>Subject</i>	<i>Contemporary Events</i>
February			
3-19	C.Th.	The Eucharist	2 Feb.: Verallo's audience with Charles V
3, 4, 5 & 7	G.C.	Proposals for reform	
8-21 (except 13 & 20)	G.C.	General debate about the sacraments in general. Baptism and Confirmation	18 Feb.: Consistorial decree against the cumulation of bishoprics by the cardinals
24-27	G.C.	Twenty reform canons; the validity of the decree on residence is confirmed	23 Feb.: Ash Wednesday 25 Feb.: Nomination of papal peace-legates for France and Germany
March			
1	G.C.	Thirty canons on the sacraments, Baptism, Confirmation	
2	G.C.	Approval of both decrees	
3	<i>Sessio VII</i>	Thirty canons on the sacraments, Baptism, Confirmation; fifteen reform chapters	6 March: Death of the Bishop of Capaccio
7-9	G.C.	The Eucharist; the envoys of the German cathedral chapters	
10	G.C.	Translation of the Council to Bologna against the votes of the imperial bishops	10 March: Hearing of witnesses to the epidemic in Trent
11	<i>Sessio VIII</i>	Translation to Bologna against the votes of the imperial bishops	
12		Departure of the legates	

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